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—1985—

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AND SPECIAL SESSION

FORTY-NINTH LEGISLATURE

# STATE OF WASHINGTON

AT

# OLYMPIA, the State Capitol

Convened Regular Session January 14, 1985  
Adjourned Regular Session *SINE DIE* April 28, 1985

1985 First Special Session Convened June 10, 1985  
Adjourned Sine Die June 11, 1985

## VOLUME 2

Compiled, Edited and Indexed by  
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MARY WILEY  
*Minute and Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
H. A. "BARNEY" GOLTZ, *President Pro Tempore*  
A. L. "SLIM" RASMUSSEN, *Vice President Pro Tempore*

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*Chairman* ..... GEORGE FLEMING  
*Assistant Majority Leader* ..... LARRY L. VOGNILD  
*Vice Chairman* ..... R. LORRAINE WOJAHN  
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*Secretary to the Secretary* ..... NYLA WOOD  
*Reader* ..... VERNE SAWYER  
*Minute and Journal Clerk* ..... MARY WILEY

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## NINETY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 18, 1985

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Moore, and Thompson. On motion of Senator Bender, Senator Moore was excused. On motion of Senator von Reichbauer, Senator Barr was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brent Yaeggy and Adam Brotman, presented the Colors. Reverend Lester G. Olson, senior pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

### MOTION

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

### MESSAGE FROM THE GOVERNOR

April 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3028

Relating to archaeological materials.

Senate Bill No. 3081

Relating to reciprocal agreements.

Substitute Senate Bill No. 3087

Relating to juvenile offenders.

Senate Bill No. 3104

Relating to statutes superseded by court rules.

Senate Bill No. 3129

Relating to the veterans affairs advisory committee.

Senate Bill No. 3148

Relating to special adult supervision programs.

Substitute Senate Bill No. 3162

Relating to unemployment insurance for contract employees.

Substitute Senate Bill No. 3175

Relating to shellfish.

Substitute Senate Bill No. 3201

Relating to polychlorinated biphenyls.

Senate Bill No. 3204

Relating to school programs in observance of Veterans' Day.

Senate Bill No. 3319

Relating to open meetings.

Senate Bill No. 3322

Relating to boards of regents at institutions of higher education.

Substitute Senate Bill No. 3361

Relating to savings banks.

Substitute Senate Bill No. 3350

Relating to cooperative programs and services between them or among school districts.

Senate Bill No. 3363

Relating to incest.

Senate Bill No. 3538

Relating to school employees' transfer rights.

Senate Bill No. 3547

Relating to school immunization programs.

Senate Bill No. 3572

Relating to public funds and accounts.

Substitute Senate Bill No. 3594

Relating to irrigation district voting rights.

Senate Bill No. 3782

Relating to the WA state honors awards program.

Senate Bill No. 3826

Relating to local government finances.

Substitute Senate Bill No. 3989

Relating to insurance.

Substitute Senate Bill No. 4138

Relating to insurance holding company systems.

Senate Bill No. 4143

Relating to student transportation.

Substitute Senate Bill No. 4229

Relating to juveniles.

Senate Bill No. 4266

Relating to the energy facility site evaluation council.

Substitute Senate Bill No. 3398

Relating to the consideration of local excise tax revenues arising from local purchases in awarding purchase contracts.

Substitute Senate Bill No. 3015

Relating to used items.

Sincerely,

TERRY SEBRING, Counsel to the Governor

#### MESSAGES FROM THE HOUSE

April 17, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 268.

HOUSE BILL NO. 271.

HOUSE BILL NO. 281.

HOUSE BILL NO. 479.

HOUSE BILL NO. 492.

SUBSTITUTE HOUSE BILL NO. 855.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 16, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 17, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3035.

SENATE BILL NO. 3067.

SUBSTITUTE SENATE BILL NO. 3279.

SUBSTITUTE SENATE BILL NO. 3302.

SUBSTITUTE SENATE BILL NO. 3332.

SENATE BILL NO. 3337.

SUBSTITUTE SENATE BILL NO. 3342.

SENATE BILL NO. 3373.

SENATE BILL NO. 3401.

SENATE BILL NO. 3415.

SUBSTITUTE SENATE BILL NO. 3450.

SUBSTITUTE SENATE BILL NO. 3553.

SUBSTITUTE SENATE BILL NO. 3602.

SENATE BILL NO. 3627.

SUBSTITUTE SENATE BILL NO. 3723.

SENATE BILL NO. 3794.

SENATE BILL NO. 3800.

SENATE BILL NO. 3818.

SENATE BILL NO. 3846,  
 SUBSTITUTE SENATE BILL NO. 3981,  
 SUBSTITUTE SENATE BILL NO. 4059,  
 SUBSTITUTE SENATE BILL NO. 4105,  
 SENATE BILL NO. 4110,  
 SENATE BILL NO. 4127,  
 SENATE BILL NO. 4227,

SENATE JOINT MEMORIAL NO. 127, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 17, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3059,  
 SENATE BILL NO. 3326,  
 SENATE BILL NO. 3601,

ENGROSSED SENATE BILL NO. 3804, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4358,  
 SENATE JOINT MEMORIAL NO. 110.

SENATE JOINT MEMORIAL NO. 111, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The House has concurred in the Senate amendments to the following bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 268,  
 ENGROSSED HOUSE BILL NO. 492.

DENNIS L. HECK, Chief Clerk

April 17, 1985

Mr. President:

The House has failed to pass ENGROSSED SUBSTITUTE SENATE BILL NO. 3798.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 268,  
 HOUSE BILL NO. 271,  
 HOUSE BILL NO. 281,  
 HOUSE BILL NO. 479,  
 HOUSE BILL NO. 492,  
 SUBSTITUTE HOUSE BILL NO. 855,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 16.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3580,  
 SENATE BILL NO. 3596,  
 SENATE BILL NO. 4152,  
 SUBSTITUTE SENATE BILL NO. 4190,  
 SENATE BILL NO. 4216,  
 SENATE BILL NO. 4236,  
 SENATE BILL NO. 4259,  
 SUBSTITUTE SENATE BILL NO. 4294,  
 SUBSTITUTE SENATE BILL NO. 4314.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 232, by Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Brough, Nutley, Smitherman, Allen, Walker, Locke, Haugen, Belcher, Winsley, Wang, Crane, Lux, Unsoeld)

Establishing groundwater management plan procedures and advisory committee.

The bill was read the second time.

## MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 232.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 232 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

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

Absent: Senator Thompson - 1.

Excused: Senators Barr, Moore - 2.

SUBSTITUTE HOUSE BILL NO. 232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:49 a.m., on motion of Senator Vognild, the Senate recessed until 10:10 a.m.

## SECOND MORNING SESSION

The Senate was called to order at 10:27 a.m. by President Cherberg.

## SECOND READING

HOUSE BILL NO. 853, by Representatives Appelwick, Crane and Jacobsen

Establishing a system of certificates of title for vessels and watercraft.

The bill was read the second time.

## MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 853 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 853.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 853 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Barr, Moore - 2.

HOUSE BILL NO. 853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 577, by Committee on Trade and Economic Development (originally sponsored by Representatives Fisch and Barnes)

Studying employee stock ownership plans.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 30, after "1987, the" strike "commissioner" and insert "director"

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 577, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 577, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 577, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Bailey, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Newhouse, Patterson, Saling, Sellar, Stratton, Zimmerman - 16.

Excused: Senators Barr, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 577, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 625, by Committee on Trade and Economic Development (originally sponsored by Representative McMullen)

Establishing a department of trade and economic development.

The bill was read the second time.

#### MOTION

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. 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. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage and promote a more diversified and healthy economy.

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.

**NEW SECTION.** Sec. 2. There is established a department of state government to be known as the department of trade and economic development. The department shall be vested with all powers and duties authorized under this chapter and such other powers and duties as may be provided by law.

**NEW SECTION.** Sec. 3. As used in this chapter, unless the context indicates otherwise:

(1) "Department" means the department of trade and economic development.  
 (2) "Director" means the director of trade and economic development.  
 (3) "Office" means the office of small business within the department of trade and economic development.

(4) "Small business" means any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

**NEW SECTION.** Sec. 4. **ECONOMIC DEVELOPMENT COORDINATION AND COOPERATION.** 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 in 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 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 and the continual update of information and strategies contained in the long-term economic program for the state.

**NEW SECTION.** Sec. 5. **FOREIGN AND DOMESTIC INVESTMENT OUTREACH.** The department shall conduct a program to identify and attract both domestic and foreign businesses to locate job-creating plant and facility investments within the state. The department's activities shall include, but not be limited to:

(1) Implementing programs to attract domestic and international investors, and providing technical assistance to potential investors on the advantages of Washington state for business location and expansion.

(2) Coordinating business investment efforts with other state agencies, local governments, and public and private local economic development groups in order to assist communities seeking new business activity and the expansion of existing businesses.

(3) Using private sector organizations and individuals from Washington's businesses to facilitate outreach and investment efforts.

**NEW SECTION.** Sec. 6. **BUSINESS EXPANSION AND TRADE DEVELOPMENT.** The department shall assist in expanding the state's role as a major international gateway for landing and transshipping goods bound for domestic and foreign markets. The department shall identify and work with Washington businesses which can utilize state assistance to increase domestic and foreign exports and are capable of increasing production of goods and services, including but not limited to manufactured goods, raw materials, services, and retail trade. The department shall participate in trade and industry exhibitions both foreign and domestic to promote and market state products and services. The department's activities shall include, but not be limited to:

(1) Operating an active and vigorous effort to market the state's products and services internationally, coordinated with private and public international trade efforts throughout the state.

(2) Coordinating with the domestic and foreign export market development activities of the state department of agriculture.

(3) Sending delegations to foreign countries and other states to promote trade with Washington.

(4) Acting as a centralized location for the assimilation and distribution of trade information.

**NEW SECTION.** Sec. 7. **TOURISM DEVELOPMENT AND COORDINATION.** The department shall market and coordinate the attraction of visitors and conventions to the state and the

expansion of the tourism industry throughout the state in cooperation with the visitor industry, as well as public and private tourism development organizations. The department's activities shall include, but not be limited to:

(1) Developing cooperative marketing programs with local public and private tourism promotion organizations throughout the state for dissemination both domestically and internationally.

(2) Participating in select tourism industry trade shows as part of a program to increase the state's attractiveness to all segments of the visitor market.

(3) Encouraging and stimulating the development of specific local tourism attractions and tourism destination facilities throughout the state.

**NEW SECTION.** Sec. 8. **FILM AND VIDEO PRODUCTION.** The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials, within the state. The department's activities shall include, but not be limited to, providing liaison, coordination, and referral assistance between film and video production companies, the state and local agencies, and private sector businesses.

**NEW SECTION.** Sec. 9. **SMALL BUSINESS ASSISTANCE AND COORDINATION.** The department shall create an office of small business and through the office of small business shall:

(1) Serve as an advocate for the development and conservation of small businesses and coordinate the delivery of state programs to assist small businesses.

(2) Serve as the small business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist small businesses.

**NEW SECTION.** Sec. 10. **DEVELOPMENT SERVICES AND SUPPORT.** The department shall undertake research, analysis, and strategic planning in order to further the state economic development program. Direct financial and technical assistance shall be provided to stimulate new private sector investment, increase employment, and increase economic activity. The department's activities shall include, but not be limited to:

(1) Identifying for the governor and the legislature those strategies, policies, and programs that will best achieve economic stabilization, diversification, and growth.

(2) Maintaining current information on market and economic trends as they affect different industries, geographic regions, and communities with special economic problems in the state, as well as maintaining an information management system to service the programs administered by the department and other development organizations.

**NEW SECTION.** Sec. 11. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

**NEW SECTION.** Sec. 12. The director shall have the power to appoint a confidential secretary, two deputy directors, and seven assistant directors as may be required to carry out the functions and duties of the department. The director shall have the power to employ such professional, technical, and clerical employees as may be necessary for the general administration of the department in accordance with chapter 41.06 RCW, except as otherwise provided.

The director may also delegate such functions, powers, and duties to other officers and employees of the department as the director deems necessary to further the purposes of this chapter, but the director shall be responsible for the official acts of the officers and employees of the department. The director shall ensure that yearly work plans are developed for all offices and divisions within the department.

**NEW SECTION.** Sec. 13. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the department of trade and economic development to the director, to one confidential secretary, the deputy directors, and all assistant directors.

**NEW SECTION.** Sec. 14. The director may establish such advisory groups as in the director's discretion are necessary to carry out the purposes of this chapter. Members of and vacancies in such advisory groups shall be filled by appointment by the director. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 15. (1) In addition to other duties and responsibilities assigned under this chapter:

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Prepare and submit for executive and legislative action thereon the budget for the department;

(ii) Submit a biennial report to the governor and to the legislature on the activities of the department and the nature of existing economic development problems;

(iii) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

(iv) Adopt rules in accordance with chapter 34.04 RCW and do all other things necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials when such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, as to allow the department to carry out its purposes under this chapter.

**NEW SECTION.** Sec. 16. The department is charged with the primary role within state government for the establishment and operation of foreign offices created for the purpose of promoting overseas trade and commerce. The department shall serve as the state's official liaison and protocol office with foreign governments.

**NEW SECTION.** Sec. 17. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce and economic development shall be delivered to the custody of the department of trade and economic development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce and economic development shall be made available to the department of trade and economic development. All funds, credits, or other assets held by the department of commerce and economic development shall be assigned to the department of trade and economic development.

Any appropriations made to the department of commerce and economic development shall, on the effective date of this act, be transferred and credited to the department of trade and economic development.

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. 18. All classified employees of the department of commerce and economic development are transferred to the jurisdiction of the department of trade and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of trade and economic development 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. 19. All rules and all pending business before the department of commerce and economic development shall be continued and acted upon by the department of trade and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of trade and economic development.

**NEW SECTION.** Sec. 20. The transfer of the powers, duties, functions, and personnel of the department of commerce and economic development shall not affect the validity of any act performed prior to the effective date of this act.

**NEW SECTION.** Sec. 21. If apportionments of budgeted funds are required because of the transfers directed by sections 17 through 20 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.

Sec. 22. Section 1, chapter 175, Laws of 1984 and RCW 43.31.373 are each amended to read as follows:

The Washington state legislature finds that there are various nations that may not be fully aware of the competitive products and services, and opportunities for investment, available in the state of Washington. The legislature further finds that the cost to the state of maintaining numerous offices and employees abroad to promote the products, services, and investment opportunities available in this state may be prohibitive. The legislature finds that there are numerous opportunities within the state, domestically and internationally, to utilize individuals to promote investment and economic development in Washington.

The legislature recognizes that there are numerous distinguished and civic minded individuals residing in this state as well as citizens of the United States and other nations who have

a broad knowledge of this state and its products. The legislature acknowledges that certain of these individuals may be willing to act as (~~(honorary commercial attaches)~~) Washington ambassadors for the state of Washington.

Sec. 23. Section 2, chapter 175, Laws of 1984 and RCW 43.31.375 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Attache" means an honorary commercial attache~~) "Ambassador" means a Washington ambassador.

(2) "Department" means the department of (~~(commerce)~~) trade and economic development, or its successor agency.

(3) "Director" means the director of (~~(commerce)~~) trade and economic development, or its successor agency.

(4) (~~"Office" or "office of international trade" means the office of international trade of the department of commerce and economic development, or its successor agency.~~

(5)) "Program" means the (~~(honorary commercial attache)~~) Washington ambassador program.

Sec. 24. Section 3, chapter 175, Laws of 1984 and RCW 43.31.377 are each amended to read as follows:

There is established within the (~~(office of international trade)~~) department the (~~(honorary commercial attache)~~) Washington ambassador program.

The (~~(office)~~) department in administering the program, shall:

(1) Identify candidate (~~(attaches)~~) ambassadors by accepting recommendations and soliciting referrals from Washington state businesses having extensive overseas trade involvement, state universities with foreign student exchange programs, local internationally oriented societies and trade groups, international consulates, various levels of government, and other sources.

(2) Screen applicants to determine their suitability to ably represent the state as (~~(honorary commercial attaches)~~) Washington ambassadors, including:

(a) Making formal inquiry to the United States commercial attache in the appropriate United States embassy or consulate general;

(b) Conducting background research and reference evaluation as necessary to ensure that the applicant is a distinguished and respected member of his or her profession;

(3) Make its report and recommendations to the governor and the president of the senate regarding applicants;

(4) Provide a comprehensive orientation on state products and services and opportunities for investment in the state on an ongoing basis to (~~(attaches)~~) ambassadors;

(5) Prepare and provide the necessary brochures, pamphlets, and materials for use and distribution by (~~(attaches)~~) ambassadors;

(6) Target those regions and countries in which an (~~(attache)~~) ambassador would be most beneficial; and

(7) Assist the (~~(attaches)~~) ambassadors in the execution of their duties including providing guidance on developing trade and investment leads and acting as a focal point for all resulting communications between international companies and individuals with the state.

The department may administer the (~~(honorary commercial attache)~~) Washington ambassador program in conjunction with other similar programs.

Sec. 25. Section 4, chapter 175, Laws of 1984 and RCW 43.31.379 are each amended to read as follows:

(~~(Honorary commercial attaches)~~) Washington ambassadors shall be appointed by the governor, with approval by the president of the senate, from recommendations submitted by the director of (~~(commerce)~~) trade and economic development. Upon appointment, (~~(an honorary commercial attache)~~) a Washington ambassador shall receive from the governor an official certificate and letter of appointment and the state flag. These articles may be used by the (~~(attache)~~) ambassador in the conduct of his or her official duties.

Sec. 26. Section 5, chapter 175, Laws of 1984 and RCW 43.31.381 are each amended to read as follows:

(~~(Honorary commercial attaches)~~) Washington ambassadors shall act as representatives of the state in promoting international investment, trade, and tourism in Washington state in a manner consistent with this chapter.

The (~~(office)~~) department shall coordinate the development of the (~~(attaches)~~) ambassadors' agendas and long-term and short-term plans for the activities of the (~~(attaches)~~) ambassadors. An (~~(attache)~~) ambassador shall avoid conducting private or personal business when acting as a representative of the state of Washington. In any situation presenting a possible or apparent conflict of interest, the (~~(attache)~~) ambassador shall notify the director who shall recommend appropriate action. (~~(Honorary commercial attaches)~~) Washington ambassadors shall not receive compensation, or reimbursement for travel or any other expenses associated with their duties.

Sec. 27. Section 6, chapter 175, Laws of 1984 and RCW 43.31.383 are each amended to read as follows:

The department (~~(through the office)~~) may:

(1) Receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement RCW 43.31.373 through 43.31.387;

(2) Receive such gifts, grants, and endowments from private or public sources as may be made available, in trust or otherwise, for the use and benefit of the (~~(honorary commercial attache)~~) Washington ambassador program, and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(3) Charge reasonable fees or other appropriate charges for using the (~~(office's)~~) department's services, attendance at workshops and conferences sponsored by the (~~(office)~~) department, and for various publications and materials which it is authorized to prepare and distribute for the purpose of defraying all or part of the costs of the (~~(office)~~) department in administering the (~~(honorary commercial attache)~~) Washington ambassador program.

Sec. 28. Section 7, chapter 175, Laws of 1984 and RCW 43.31.385 are each amended to read as follows:

The director (~~(of commerce and economic development, or its successor agency;)~~) shall report annually to the appropriate legislative committees with special emphasis on the (~~(honorary commercial attache)~~) Washington ambassador program's impact on the economy of the state; the number of (~~(honorary commercial attaches)~~) Washington ambassadors; and recommendations regarding the program.

Sec. 29. Section 8, chapter 175, Laws of 1984 and RCW 43.31.387 are each amended to read as follows:

(~~(Honorary commercial attaches)~~) Washington ambassadors shall serve at the pleasure of the governor who may revoke their certificates of appointment at any time, after consultation with the president of the senate.

NEW SECTION. Sec. 30. RCW 43.31.377 through 43.31.387 shall only apply to Washington ambassadors who travel or reside in other countries and who represent the interests of the state of Washington in those countries.

Sec. 31. Section 4, chapter 94, Laws of 1984 and RCW 43.31.390 are each amended to read as follows:

The department (~~(of commerce and economic development)~~) shall incorporate information from the environmental profile developed by the department of ecology in accordance with RCW 43.21A.510 in preparing promotional brochures and in its presentations to businesses considering locating in Washington state. It shall also make the information available to local economic development groups for use in local economic development efforts.

Sec. 32. Section 2, chapter 93, Laws of 1972 ex. sess. as last amended by section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832 are each amended to read as follows:

(~~(In addition to the sum transferred in RCW 43.31.831, additional)~~) Funds determined to be surplus funds by the director (~~(of the department of commerce and economic development)~~) may be transferred from the state trade fair fund to the general fund upon the recommendation of the director (~~(of the department of commerce and economic development)~~) and the state treasurer: PROVIDED, That the director may also elect to expend up to one million dollars of such surplus on (~~(the department of commerce and economic development)~~) foreign trade related activities, including, but not limited to, promotion of investment (~~(pursuant to RCW 43.31.066)~~), tourism (~~(pursuant to RCW 43.31.050)~~), and foreign trade (~~(pursuant to RCW 43.31.350 through 43.31.370)~~).

Sec. 33. Section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833 are each amended to read as follows:

RCW (~~(43.31.831)~~) 43.31.832 through 43.31.834 shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after May 23, 1972.

Sec. 34. Section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834 are each amended to read as follows:

RCW (~~(43.31.831)~~) 43.31.832 through 43.31.834 shall be construed to supersede any provision of existing law to the contrary.

Sec. 35. Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 5, chapter 182, Laws of 1982 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of (~~(commerce)~~) trade and economic development;
- (f) Director, department of licensing;
- (g) Director, office of financial management;

- (h) Chairman, liquor control board;
  - (i) Secretary, department of social and health services;
  - (j) Secretary of state;
  - (k) The governor; and
  - (l) As ex officio members:
    - (i) The president of the senate or the president's designee;
    - (ii) The speaker of the house or the speaker's designee; and
    - (iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.
- (2) The governor shall be the chairperson. In the governor's absence, the secretary of state shall act as chairperson.
- (3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:
- (a) Establish interagency policy guidelines for the system;
  - (b) Review the findings, status, and problems of system operations and recommend courses of action;
  - (c) Receive reports from industry and agency task forces;
  - (d) Determine in questionable cases whether a specific license is to be included in the master license system;
  - (e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.
- (4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.

Sec. 36. Section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of ~~((commerce))~~ trade and economic development;
- (i) Liquor control board;
- (j) Board of pharmacy;
- (k) Department of licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 37. Section 1, chapter 196, Laws of 1977 ex. sess. and RCW 24.46.010 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of ~~((commerce))~~ trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 38. Section 6, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.440 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development or its successor and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

Sec. 39. Section 8, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.460 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

- (1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;
- (2) Recruit industries from outside the state to participate in the job skills training program; and
- (3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

Sec. 40. Section 3, chapter 162, Laws of 1963 as amended by section 51, chapter 3, Laws of 1983 and RCW 31.24.030 are each amended to read as follows:

In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation: PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(2) To borrow money from its members and the small business administration and any other similar federal agency, for any of the purposes of the corporation: to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval: PROVIDED, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith: PROVIDED, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust: to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (4), (5), or (6) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of (~~commerce~~) trade and economic development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 41. Section 3, chapter 196, Laws of 1977 ex. sess. and RCW 35.21.800 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~commerce~~) trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 42. Section 5, chapter 196, Laws of 1977 ex. sess. and RCW 36.01.120 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~commerce~~) trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 43. Section 4, chapter 120, Laws of 1983 and RCW 39.19.040 are each amended to read as follows:

(1) There is hereby created an advisory committee on minority and women's business enterprises to assist the director with the development of policies to carry out this chapter, consisting of the director of the office of financial management as a voting member and the following nonvoting members: The executive director of the human rights commission, a representative of the council of state college and university presidents, the commissioner of employment security, the secretary of social and health services, the secretary of transportation, the director of general administration, and the director of ~~((commerce))~~ trade and economic development. The president of the senate and the speaker of the house shall appoint two members each, one from the majority, and one from the minority party of each body. The governor shall appoint nine voting members from the private sector who shall be representative of both sexes and who shall also be ethnically and geographically diverse. Six of the private sector members shall represent minority and women-owned businesses; three members shall be from the business community.

(2) The initial terms of the private sector members shall commence on July 1, 1983. Five private sector members shall be appointed for an initial term of two years; four private sector members shall be appointed for an initial term of four years. Thereafter, all private sector members shall be appointed for four years or until their respective successors are appointed. Appointments to fill vacancies shall be for the balance of any unexpired term, and shall be filled in the same manner as the original appointments.

(3) Private sector members shall serve without pay, but all committee members shall be entitled to reimbursement for travel expenses incurred in performance of their duties as members of the committee under RCW 43.03.050 and 43.03.060, except that legislative members shall be entitled to reimbursement under RCW 44.04.120.

(4) Six voting members constitute a quorum for the conduct of official business. The advisory committee shall elect a chairperson from among the private sector members.

Sec. 44. Section 9, chapter 300, Laws of 1981 and RCW 39.84.090 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of ~~((commerce))~~ trade and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of ~~((commerce))~~ trade and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of ~~((commerce))~~ trade and economic development shall report annually to the legislature and the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of ~~((commerce))~~ trade and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of ~~((commerce))~~ trade and economic development considers appropriate.

Sec. 45. Section 1, chapter 10, Laws of 1979 as last amended by section 12, chapter 125, Laws of 1984 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of ~~((commerce))~~ trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 46. Section 2, chapter 10, Laws of 1979 as last amended by section 13, chapter 125, Laws of 1984 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of ~~((commerce))~~ trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a

temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041, and the director of game shall be appointed by the game commission.

Sec. 47. Section 43.21.260, chapter 8, Laws of 1965 and RCW 43.21.260 are each amended to read as follows:

Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of ((commerce)) trade and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of ((commerce)) trade and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of ((commerce)) trade and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility.

Sec. 48. Section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170 are each amended to read as follows:

There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

- (a) One public member shall be a representative of organized labor.
- (b) One public member shall be a representative of the business community.
- (c) One public member shall be a representative of the agricultural community.
- (d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

- (1) The department of agriculture;
- (2) The department of ((commerce)) trade and economic development;
- (3) The department of fisheries;
- (4) The department of game;
- (5) The department of social and health services;
- (6) The department of natural resources; and

(7) The state parks and recreation commission shall be given notice of and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

Sec. 49. Section 2, chapter 94, Laws of 1984 and RCW 43.21A.510 are each amended to read as follows:

In order to assist the department of ~~((commerce))~~ trade and economic development in providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources.

Sec. 50. Section 3, chapter 94, Laws of 1984 and RCW 43.21A.515 are each amended to read as follows:

In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of ~~((commerce))~~ trade and economic development receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness.

Sec. 51. Section 6, chapter 125, Laws of 1984 and RCW 43.63A.075 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs; (2) assist communities and businesses to secure available financing; and (3) work closely with the department of ~~((commerce))~~ trade and economic development on financial and technical assistance programs available to small and medium sized businesses. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 52. Section 1, chapter 54, Laws of 1983 1st ex. sess. and RCW 43.83.184 are each amended to read as follows:

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of ~~((commerce))~~ trade and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 53. Section 1, chapter 177, Laws of 1983 and RCW 43.96D.010 are each amended to read as follows:

The 1962 world fair held in Seattle and the 1974 world fair held in Spokane resulted in the influx of thousands of visitors from all over the world and aided in promoting the state and its large variety of products and its great trade potential. They also served to strengthen the social, cultural, and economic ties between the state and its Canadian provincial neighbor to the north, British Columbia. In 1986 British Columbia will host a world exposition. Recent experience has proven that participation in such events benefits all those concerned.

Therefore, it is the declared intent of the Washington state legislature that the state of Washington should participate in Expo '86 in Vancouver, British Columbia, between May and October, 1986. The on-site presence of the state of Washington will conform to the theme of Expo '86, "Man in Motion, Transportation and Communication," and will be coordinated with efforts of the department of ~~((commerce))~~ trade and economic development, the department of transportation, the Washington state patrol, and other agencies to insure maximum hospitality and benefit for the millions of additional visitors who will co-visit Washington state.

Sec. 54. Section 2, chapter 177, Laws of 1983 and RCW 43.96D.020 are each amended to read as follows:

(1) There is hereby created the world fair commission to consist of nine members to be selected as follows: Five by the governor, two senators (being one from the senate majority and one from the senate minority) by the president of the senate, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, to serve until June 30, 1987. The governor shall designate one member to serve as chairman of the commission. Members of the commission shall serve without compensation but shall be reimbursed for travel expenses while on commission business under RCW 43.03.050

and 43.03.060. The commission shall meet at such time as it is called by the governor or by the chairman of the commission.

(2) The governor shall appoint an executive director for the commission. The executive director shall serve at the governor's pleasure or until completion of state participation in the British Columbia exposition of 1986. The department of ((commerce)) trade and economic development shall provide administrative and staff support to the commission.

Sec. 55. Section 4, chapter 177, Laws of 1983 and RCW 43.96D.040 are each amended to read as follows:

Reimbursement of commissioners for expenses as authorized in subsection (1) of RCW 43.96D.020 shall be paid by the director of ((commerce)) trade and economic development as a proper charge to the state trade fair fund.

Sec. 56. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 12, chapter 6, Laws of 1985 and RCW 43.160.020 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 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 ((commerce)) trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "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) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "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) "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) "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. 57. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 13, chapter 6, Laws of 1985 and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of nine persons appointed by the governor and the director of ((commerce)) trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the chairmen of the committee on ((commerce)) trade and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees, for a total of seventeen members. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of ((the department of commerce)) trade and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of ((commerce)) trade and economic development.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 58. Section 2, chapter 44, Laws of 1982 and RCW 43.170.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((commerce))~~ trade and economic development.

(2) "Director" means the director of ~~((commerce))~~ trade and economic development.

(3) "Program" means the small business innovators' opportunity program.

(4) "Inventor" or "innovator" means one who thinks of, imagines, or creates something new which may result in a device, contrivance, or process for the first time, through the use of the imagination or ingenious thinking and experimentation.

(5) "Proposal" means a plan provided by an inventor or innovator on an idea for an invention or an improvement.

(6) "Higher education" means any university, college, community college, or technical institute in this state.

Sec. 59. Section 3, chapter 44, Laws of 1982 and RCW 43.170.030 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development, in cooperation with institutions of higher education, shall establish as a pilot project a small business innovators' opportunity program to provide a professional research and counseling service on a user fee basis to inventors, innovators, and the business community.

The composition and organizational structure of the program shall be determined by the department in a manner which will foster the continuation of the program without state funding at the end of the pilot project established by this chapter. The department shall provide staff support for the program for the duration of the pilot project. The program shall:

(1) Receive proposals from inventors and innovators;

(2) Review proposals for accuracy and evaluate their prospects for marketability;

(3) Cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights, and for the provision of professional research and counseling;

(4) Provide assistance to the innovators and inventors as appropriate; and

(5) Have the power to receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter.

The user fee shall be set by the director in an amount which is designed to recover the cost of the services provided.

Sec. 60. Section 7, chapter 282, Laws of 1984 and RCW 43.175.010 are each amended to read as follows:

(1) There is established the small business improvement council to consist of at least fifteen but not more than thirty members to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses. At least fifteen percent of the members of the council shall be women or members of minority groups, and at least one member of the council shall represent agribusiness concerns. Members of the small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the small business improvement council shall not be compensated or be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The department of ~~((commerce))~~ trade and economic development or its successor agency shall provide staff support and administrative assistance to the council.

Sec. 61. Section 8, chapter 282, Laws of 1984 and RCW 43.175.020 are each amended to read as follows:

The small business improvement council shall seek to identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses. In consultation with the department of ~~((commerce))~~ trade and economic development and the appropriate standing committees of the senate and house of representatives, the small business improvement council shall submit its proposals to the governor and the legislature prior to the convening of each regular session of the legislature. ~~((The proposals shall include the recommendations of the council's subcommittees established under section 9 of this act.))~~

Sec. 62. Section 5, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.050 are each amended to read as follows:

The export assistance center formed under RCW 43.210.020 and 43.210.030 is eligible to receive consideration for a contract under this chapter from the department of ~~((commerce))~~ trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services and may not have a duration of longer than two years. ~~((The center, including its branch, for the biennium ending June 30, 1985, may not have~~

~~more than one contract with the department of commerce and economic development or its statutory successor;))~~

Sec. 63. Section 6, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.060 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development or its statutory successor shall adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter.

Sec. 64. Section 3, chapter 43, Laws of 1982 as amended by section 18, chapter 6, Laws of 1985 and RCW 50.38.030 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of ~~((commerce))~~ trade and economic development;
- (3) Department of labor and industries;
- (4) State board for community college education;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) Department of community development;
- (8) Commission for vocational education; and
- (9) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 65. Section 1, chapter 16, Laws of 1980 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of ~~((commerce))~~ trade and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 66. Section 1, chapter 27, Laws of 1982 1st ex. sess. and RCW 67.34.010 are each amended to read as follows:

The legislature recognizes that:

(1) Interest in outdoor recreation has been steadily increasing, and that the facilities that now exist are inadequate to meet the growing demands of the people of Washington and the out-of-state tourist trade;

(2) The state is becoming a popular winter recreation area and has not fully developed its winter tourism industry adequately to respond to the increasing demand, as has been successfully done in the mountain states, Idaho, and British Columbia;

(3) The state of Washington presently has a flourishing winter recreation industry which adds more than twenty-five thousand new skiers each year. Far greater potential exists for year-round resort development which should include an emphasis on all winter recreation activities. Expansion of the winter recreation industry will attract tourist trade from other states and countries and will have a substantial positive impact on both the state and national economies; and

(4) The economic well-being of the state will be improved upon the introduction of new industry to provide employment, income to the state, and revenue for government.

The legislature recognizes the need to identify areas appropriate for recreational development on state lands or on federal lands which can be exchanged for state lands under state and federal laws.

Therefore, the legislature hereby establishes the Washington state winter recreation commission which shall be composed as follows: Two members of the senate appointed by the president of the senate, including one member from each caucus; two members of the house of representatives appointed by the speaker of the house of representatives, including one member from each caucus; one representative to be appointed by the governor from each of the following state departments: The parks and recreation commission, department of ((commerce)) trade and economic development, and department of natural resources; two representatives of industry appointed by the governor; two representatives of the environmental community appointed by the governor; one representative of cities appointed by the governor; and one representative of counties appointed by the governor. The commission shall choose one of its legislative members as chair.

Commission members and legislative staff shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Members of the legislature serving on the commission shall be reimbursed for travel expenses under RCW 44.04.120.

Sec. 67. Section 6, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.265 are each amended to read as follows:

The department shall work closely with the department of ((commerce)) trade and economic development, the department of general administration, and with other state departments and agencies, the Washington state association of counties, the association of Washington cities, and business associations, to carry out the objectives and purposes of this 1976 amendatory act.

Sec. 68. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 108, chapter 287, Laws of 1984 and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of ((commerce)) trade and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.240 and in addition they shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

Sec. 69. Section 151, chapter 7, Laws of 1985 RCW 80.50.030 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined under RCW 43.03.040. The chairman is a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

(a) Department of ecology;

(b) Department of fisheries;

(c) Department of game;

(d) Department of parks and recreation;

- (e) Department of social and health services;
- (f) State energy office;
- (g) Department of ~~((commerce))~~ trade and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) Department of emergency management;
- (m) Department of agriculture;
- (n) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 70. Section 12, chapter 175, Laws of 1984 and RCW 43.131.315 are each amended to read as follows:

The ~~((honorary commercial attache))~~ Washington ambassador program shall be reviewed under the process provided in chapter 43.131 RCW before December 1, ~~((1985))~~ 1987. Unless extended by law, the program shall be terminated on June 30, ~~((1986))~~ 1988.

Sec. 71. Section 13, chapter 175, Laws of 1984 and RCW 43.131.316 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1987))~~ 1989:

- (1) Section 1, chapter 175, Laws of 1984, section 22 of this 1985 act and RCW 43.31.373;
- (2) Section 2, chapter 175, Laws of 1984, section 23 of this 1985 act and RCW 43.31.375;
- (3) Section 3, chapter 175, Laws of 1984, section 24 of this 1985 act and RCW 43.31.377;
- (4) Section 4, chapter 175, Laws of 1984, section 25 of this 1985 act and RCW 43.31.379;
- (5) Section 5, chapter 175, Laws of 1984, section 26 of this 1985 act and RCW 43.31.381;
- (6) Section 6, chapter 175, Laws of 1984, section 27 of this 1985 act and RCW 43.31.383;
- (7) Section 7, chapter 175, Laws of 1984, section 28 of this 1985 act and RCW 43.31.385;

~~((and))~~

- (8) Section 8, chapter 175, Laws of 1984, section 29 of this 1985 act and RCW 43.31.387; and
- (9) Section 30 of this 1985 act and RCW 43.31.---

NEW SECTION. Sec. 72. RCW 43.31.400, 43.31.405, 43.31.410, 43.31.415, and 43.31.420 are recodified as sections in chapter 43.21F RCW.

NEW SECTION. Sec. 73. RCW 43.31.500, 43.31.510, 43.31.520, 43.31.525, 43.31.530, 43.31.540, 43.31.550, 43.31.560, 43.31.570, 43.31.580, 43.31.590, 43.31.620, 43.31.630, 43.31.640, 43.31.660, 43.31.670, 43.31.680, 43.31.690, 43.31.700, 43.31.710, 43.31.720, 43.31.730, 43.31.740, 43.31.750, 43.31.760, 43.31.770, and 43.31.865 are each decodified.

NEW SECTION. Sec. 74. The following acts or parts of acts are each repealed:

- (1) Section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010;
- (2) Section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020;
- (3) Section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030;
- (4) Section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040;
- (5) Section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050;
- (6) Section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060;
- (7) Section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070;
- (8) Section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080;
- (9) Section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110;
- (10) Section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120;

- (11) Section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140;  
 (12) Section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150;  
 (13) Section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160;  
 (14) Section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170;  
 (15) Section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180;  
 (16) Section 1, chapter 221, Laws of 1967 and RCW 43.31.350;  
 (17) Section 3, chapter 221, Laws of 1967 and RCW 43.31.360;  
 (18) Section 4, chapter 221, Laws of 1967, section 9, chapter 175, Laws of 1984 and RCW 43.31.370;  
 (19) Section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.831;  
 (20) Section 10, chapter 148, Laws of 1965 and RCW 43.31.860;  
 (21) Section 1, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.870;  
 (22) Section 2, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.875;  
 (23) Section 3, chapter 68, Laws of 1975-'76 2nd ex. sess., section 46, chapter 7, Laws of 1984 and RCW 43.31.880;  
 (24) Section 4, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.885;  
 (25) Section 5, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.890;  
 (26) Section 6, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.895;  
 (27) Section 7, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.900;  
 (28) Section 8, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.910;  
 (29) Section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915;  
 (30) Section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920;  
 (31) Section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW 43.31.925;  
 (32) Section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930;  
 (33) Section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.935;  
 (34) Section 2, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.940;  
 (35) Section 3, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.942;  
 (36) Section 4, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.944;  
 (37) Section 5, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.946;  
 (38) Section 6, chapter 197, Laws of 1979 ex. sess. and RCW 43.31.948;  
 (39) Section 1, chapter 176, Laws of 1984 and RCW 43.31B.010;  
 (40) Section 2, chapter 176, Laws of 1984 and RCW 43.31B.020;  
 (41) Section 3, chapter 176, Laws of 1984 and RCW 43.31B.030;  
 (42) Section 4, chapter 176, Laws of 1984 and RCW 43.31B.040;  
 (43) Section 5, chapter 176, Laws of 1984 and RCW 43.31B.050;  
 (44) Section 8, chapter 176, Laws of 1984 and RCW 43.31B.900;  
 (45) Section 2, chapter 197, Laws of 1983 and RCW 43.131.257;  
 (46) Section 28, chapter 197, Laws of 1983 and RCW 43.131.258;  
 (47) Section 9, chapter 176, Laws of 1984 and RCW 43.131.317; and  
 (48) Section 10, chapter 176, Laws of 1984 and RCW 43.131.318.

NEW SECTION. Sec. 75. As used in this act, section headings constitute no part of the law.

NEW SECTION. Sec. 76. Sections 1 through 12, 14 through 16, and 30 of this act are added to chapter 43.31 RCW.

NEW SECTION. Sec. 77. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985."

#### MOTIONS

On motion of Senator Cantu, the following amendment by Senators Cantu and Lee to the Committee on Commerce and Labor amendment was adopted:

On page 6, after line 14 of the amendment, insert the following:

\*NEW SECTION. Sec. 7. The legislature declares that the long-term trade policy of the state of Washington will have the largest impact on the volume of trade moving through our state by providing leadership and vision, and by concentrating on traditional state functions, such as transportation, infrastructure, education, taxation, regulation, and public expenditures. It is the responsibility of the state to ensure that these traditional functions contribute to the international focus Washington must develop.

NEW SECTION. Sec. 8. In order to implement this long-term trade policy, to ensure traditional functions contribute to an international focus, the department of trade and economic development:

(1) Should support federal government efforts to work directly with foreign governments in reducing real and artificial trade barriers;

(2) Should coordinate its efforts with agencies in other states to affect regional and national policy. Washington has a common destiny with other free trade states. The governor, department heads, and legislative leaders should coordinate efforts with their counterparts in these other states;

(3) Should develop international trade goals, policies, and strategies with the full support and counsel of the private sector;

(4) Should monitor Washington's competitive status regarding taxation, transportation, education, and other public policies related to international trade;

(5) Should adopt policies which increase the efficiency and competitiveness of the state's transportation system, so products arrive to the end consumer quicker, and at a lower, predictable cost;

(6) Should recognize the critical need for constant, detailed, federal-state coordination in planning and implementing business outreach information programs; and

(7) Should recognize the appropriate role of the state, and only provide business assistance which is not duplicative, and which is responding to a tangible private sector demand not already being met by the private sector.\*

Renumber the sections consecutively and correct internal references accordingly.

Senator Cantu moved that the following amendment by Senators Cantu and Lee to the Committee on Commerce and Labor amendment be adopted:

On page 7, after line 18 of the amendment, strike all of section 9 and insert the following:

**NEW SECTION.** Sec. 9. SMALL BUSINESS ASSISTANCE AND COORDINATION. The department shall create an office of small business and through the office of small business shall:

(1) Be the focal point for state information and assistance to small businesses. The office shall refer small businesses requesting assistance or information to the appropriate individuals within local, state, or federal agencies that can provide the assistance and information being requested by the small businesses. It is the intent of the legislature that the office refer small businesses to existing local, state, and federal programs to fulfill their requests and that the office is only to directly provide the requested assistance or information if it is capable of doing so and if such information or assistance is not reasonably available under local, state, or federal programs and providing such assistance or information will not interfere with the office's fulfilling the other requirements of this section.

(2) Review proposed rules by, and activities of, state agencies in order to determine their effects on small businesses; and advise state agencies of proposed rules and state agency activities which result in excessive burdens on small businesses. The office shall assist state agencies to reduce excessive burdens on small businesses. All state agencies shall cooperate with the office to minimize excessive burdens on small businesses to the greatest extent lawfully possible.

(3) Coordinate with all other state programs providing assistance to small businesses to ensure the maximum effectiveness of those programs. All state agencies with programs to assist small businesses shall cooperate with the office, and, to the best of their ability, shall implement the written recommendations of the office which are designed to maximize the effectiveness of the agencies' programs. Any agency unable to implement a written recommendation of the office shall notify the office in writing as to the reasons why the agency cannot implement the recommendation.

(4) Distribute to small businesses such printed information which the office believes would be useful to them. Such information may include, but shall not be limited to: (a) Information available from local governments and from the agencies of other states and the federal government; and (b) information which is prepared by the office and which is not otherwise available.

(5) Work with the departments of revenue, labor and industries, and employment security so that those departments will provide the service of including in their regular mailings such information which the office believes should be provided to small businesses. Each department shall cooperate with the office in providing this service. The office shall pay for the costs of a department's including the information in its mailing, but only to the extent that the costs are in addition to what the department would pay for the mailing if the information were not included.

(6) Provide to legislative committees statistics on the impact of legislation on small businesses. This information shall be furnished whenever the office believes it appropriate.

(7) Arrange training and informational meetings and seminars in cooperation with public schools, colleges and universities, local government agencies, state or federal agencies, business and professional associations, and any other private or public entity which provides training and information useful to small businesses.

(8) Assist state agencies to increase the participation of small businesses in supplying goods and services to state agencies; and prepare and regularly update information (a) showing how small businesses can participate in state purchasing programs, and (b) identifying agency officials who small businesses can contact in order to obtain information on those programs.

(9) Develop programs to encourage the development and conservation of small businesses.

(10) Coordinate the department's activities with the federal small business administration and other federal and local government agencies formed for the purpose of aiding small businesses.

(11) At the request of any agency, provide statistics to assist the agency to comply with the provisions of chapter 19.85 RCW."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Cantu and Lee to the Committee on Commerce and Labor amendment.

#### ROLL CALL

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

Voting yea: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 24.

Excused: Senators Barr, Moore - 2.

#### MOTION

Senator Warnke moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 69, after line 33 of the amendment, insert the following:

"NEW SECTION, Sec. 77. A new section is added to chapter 43.31 RCW to read as follows:

(1) The department of commerce and economic development shall establish an international trade and investment information program. The program shall act as a centralized location for the assimilation and distribution of trade and investment information, including:

(a) International trade leads and potential trade opportunities which may assist Washington businesses in the export of their products and services;

(b) International investment leads and potential opportunities which may assist in attracting investments to Washington state;

(c) A listing of trade-related organizations in Washington state providing background information on their location, services, and calendar of events. The list shall be developed and distributed in cooperation with participating organizations;

(d) A listing of businesses in Washington state involved in international trade and of businesses that have the potential to engage in international trade with background information on their products and services;

(e) A listing of international trade shows and opportunities for participation by Washington state businesses;

(f) Information on trade tariffs, quotas, and other trade restrictions encountered by Washington products in major international markets;

(g) Export and import statistics which will assist the private and public sector in identifying economic trends and the cost-effectiveness of state trade and investment programs; and

(h) A state-wide industrial site inventory to assist in the location of businesses throughout the state including but not limited to information on site costs, land use requirements, proximity to labor markets, and the availability of transportation and utilities. The department of ecology and department of community development will, on request, assist the department in developing the industrial site inventory.

(2) State and local government agencies involved in international trade or investment shall on request assist the department in compiling and distributing the information outlined in this section.

(3) The department shall actively promote the distribution and use of the information listed in this section. The director shall report to the legislature annually by December 1, on the program's activities, the effectiveness of the program in promoting international trade and investment, and legislative recommendations concerning the program.

NEW SECTION, Sec. 78. To carry out section 77 of this act, the sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated to the department of commerce and economic development from the general fund for the biennium ending June 30, 1987.

NEW SECTION, Sec. 79. There is hereby created an advisory commission to the department of commerce and economic development to be known as the tourism partnership commission. The commission shall be composed of nine members. The commission members shall include: (1) The director of the department of commerce and economic development or the director's designee; (2) two members of the senate appointed by the president of the senate from different political parties; (3) two members of the house of representatives appointed by the speaker

of the house of representatives from different political parties; and (4) four public members appointed by the governor. The governor shall designate the chairman of the commission.

The public members shall serve terms of three years.

NEW SECTION. Sec. 80. For purposes of sections 79 through 86 of this act:

(1) "Department" means the department of commerce and economic development or its statutory successor.

(2) "Commission" means the tourism partnership commission.

(3) "Tourism partnership project" means projects determined by the commission to meet the criteria established by sections 81 and 82 of this act.

NEW SECTION. Sec. 81. The tourism partnership commission has the following powers and duties:

(1) To assist the department in conducting studies on the feasibility, design, and benefits to the state of establishing one or more destination tourism attractions or state marketing facilities;

(2) To assist the department and sponsoring municipal or nonprofit corporations in assessing the feasibility of projects and in administering the planning, design, construction, rehabilitation, or acquisition of real property, facilities, artifacts, and equipment for feasible projects that have demonstrated:

(a) Sponsorship by a municipal corporation or nonprofit corporation that has qualified under section 501(c)(3) of the federal internal revenue code;

(b) That at least fifty percent of the cost of the project has or can be raised from private or local government sources;

(c) That the project will increase state tax revenues enough to repay the state for its investment in the project; and

(d) That the project will be self-supporting once constructed;

(3) To assist the department in the development of a demonstration project that shall be monitored to assess its contribution to the economy of the state;

(4) To assist the department in evaluating the potential funding sources for qualifying projects;

(5) To advise the department in the adoption of rules in accordance with chapter 34.04 RCW governing the administration of the state funding of the tourism partnership projects. The rules shall specify that funding of tourism partnership projects may be administered by the local government participating in the project or by the department, with the advice of the commission, in cooperation with the affected municipal or nonprofit corporation; and

(6) To enter into contracts with the department as appropriate to carry out the powers and duties granted in sections 79 through 86 of this act.

NEW SECTION. Sec. 82. Projects that meet the criteria established by section 80(2) of this act shall be known as qualifying tourism partnership projects. The department, on the advice of the commission, may select for special consideration those qualifying tourism partnership projects that accomplish one or more of the following objectives:

(1) Develop tourism in depressed areas;

(2) Increase employment;

(3) Attract new industry;

(4) Attract new out-of-state tourists;

(5) Encourage the redevelopment of economically depressed areas;

(6) Assist in educating citizens and visitors about the economic potential of the state;

(7) Highlight the heritage of the state in honor of the 1989 centennial;

(8) Honor and promote the future of the state, including Washington's role as the nation's gateway to the Pacific; or

(9) Assist in marketing the products of the state.

NEW SECTION. Sec. 83. (1) The commission may employ such staff and administrative support as the commission deems appropriate for the administration of sections 79 through 86 of this act.

(2) The department shall make available to the commission additional staff and administrative support as it considers appropriate for the commission to carry out the requirements of sections 79 through 86 of this act. In order to implement sections 79 through 86 of this act, the governor may designate other employees of any agency to assist the commission.

NEW SECTION. Sec. 84. The department and the commission shall carry out sections 79 through 86 of this act in cooperation with the sponsoring municipal or nonprofit corporations identified in section 81 of this act.

NEW SECTION. Sec. 85. On January 1 of each year, the commission shall report on its activities, the results of the demonstration project, and the results of its studies, including any recommendations and proposed legislation, to the director of the department, the secretary of the senate, and the chief clerk of the house of representatives. The commission may include within its recommendations proposed contracts relating to the acquisition of land or the construction of facilities.

NEW SECTION. Sec. 86. The tourism development partnership capital fund is created in the custody of the department of commerce and economic development.

(1) Moneys in the fund may be spent only for the purposes of sections 79 through 85 of this act. Disbursements from the fund shall be on authorization of the director of the department on the advice of the commission and with the approval of the legislative budget committee.

(2) Moneys may be deposited into the fund by legislative appropriation. The department may accept and expend moneys for the tourism development partnership capital fund from both public and private sources.

NEW SECTION. Sec. 87. Sections 79 through 90 of this act shall expire on December 31, 1990. Moneys remaining in the tourism development partnership capital fund on that date shall be deposited in the state general fund.

NEW SECTION. Sec. 88. Sections 79 through 87 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 89. A new section is added to chapter 41.06 RCW to read as follows:

This chapter does not apply to the employees of the tourism partnership commission created under section 79 of this act.

NEW SECTION. Sec. 90. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section and correct any internal references accordingly.

#### MOTION

On motion of Senator Cantu, the following amendment to the amendment by Senator Warnke was adopted:

On page 7, line 24, after "with the" insert "private sector."

The President declared the question before the Senate to be adoption of the amendment by Senator Warnke, as amended, to the Committee on Commerce and Labor amendment.

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

#### MOTION

On motion of Senator Fleming, the following amendment to the Committee on Commerce and Labor amendment was adopted:

On page 69, after line 33 of the amendment, insert the following:

NEW SECTION. Sec. 77. There is hereby created the forest products market development task force. The task force shall consist of the commissioner of public lands, the director of commerce and economic development, two members of the senate, one from each major political party to be appointed by the president of the senate, two members of the house of representatives, one from each major political party to be appointed by the speaker of the house of representatives, a representative of the University of Washington center for international trade for forest products, and fourteen members appointed by the governor including at least one member from each of the following forest product sectors: Log exports, manufactured wood products, pulp and paper, and hardwood mills. Also included shall be a representative of the port districts and other persons who have expertise in forest product trade export, financing, and marketing matters. The task force shall include at least one member from each congressional district in the state. Appointments under this section shall be made within twenty-one days after the effective date of this act. Task force members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120.

The commissioner of public lands shall temporarily chair the task force until such time as the group organizes and selects a permanent chair. The task force shall be staffed by the department of natural resources and the department of commerce and economic development. The task force may hold meetings at least once a month or when determined advisable by the committee. The initial meeting of the task force shall be held within forty-five days after the effective date of this act.

NEW SECTION. Sec. 78. The purposes of the forest products market development task force are:

(1) To identify foreign and domestic trade and market-related problems affecting the state of Washington's forest products industry;

(2) To identify strategies that could be employed which would improve the state's forest products industry's competitive position in domestic and international markets;

(3) To provide coordination of present efforts by state agencies, institutions, and the forest products industry to minimize the effects of trade barriers;

(4) To consult with national institutions and industry organizations and the state's congressional delegation regarding federal initiatives which affect the competitive position of the state's forest products industry; and

(5) To identify and prioritize areas in which additional research is needed and to provide recommendations on the funding of high-priority programs.

NEW SECTION. Sec. 79. The forest products development task force shall:

(1) Issue a preliminary report by December 1, 1985, to the legislature and to the state's congressional delegation which includes recommendations for state and federal legislation, strategies, and a report on the trade status of forest products produced in the state; and

(2) Issue a final report by June 1, 1986, to the legislature and the state's congressional delegation with any additional recommendations and an outline of the activities and accomplishments of the task force.

The task force shall terminate on June 30, 1986, unless reactivated by the legislature after a determination of the task force's effectiveness."

Renumber the sections consecutively.

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

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

#### MOTION

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 10 of the title, after "76.09.030," strike all material down through "80.50.030;" on line 11 and insert "80.50.030, 43.131.315, and 43.131.316;"

On page 70, after line 14 of the title amendment, insert the following:

"On page 1, line 11 of the title, strike "a new section" and insert "new sections"

On page 1, line 27 of the title, after "43.131.318;" insert "making an appropriation;"

On page 1, line 27 of the title, after "date;" insert "providing an expiration date;"

#### MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 625, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 625, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 625, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Wojahn, Zimmerman - 46.

Absent: Senator Williams - 1.

Excused: Senators Barr, Moore - 2.

SUBSTITUTE HOUSE BILL NO. 625, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. Mr. President and members of the body, now that I have a little more composure, I want to thank the body for the vote on House Bill 222 yesterday--the Martin King Birthday Bill. It was a long time coming and even those of you who might have voted against it for whatever reason, you've been patient over these fifteen years and if it would have happened five or ten years ago, it would probably have had thirty minutes of debate on the floor--at least--several amendments--and that kind of thing. So, I just want you to know I appreciate the comments you made yesterday, Senator Pullen, and I want the body to know that was a class act yesterday. Thank you."

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 738, by Committee on Ways and Means (originally sponsored by Representatives Vekich, J. King, McMullen, Tanner, Ebersole and Sayan)

Establishing a community revitalization team.

The bill was read the second time.

## MOTION

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

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

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 738 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senators Benitz, Deccio - 2.

Excused: Senators Barr, Moore - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 760, by Committee on Trade and Economic Development (originally sponsored by Representatives Sayan, McMullen, Tanner, Gallagher, Ebersole, Lux, B. Williams, Jacobsen, P. King, Wineberry and Unsoeld)

Establishing the youth conservation corps.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 10, after "Washington" insert "conservation"

On page 1, beginning on line 24, after "(c)" strike all material through "individuals" on line 27, and insert "the median household income is at least thirty-five percent below the county's median household income, as determined from data collected for the previous United States ten-year census"

On page 2, beginning on line 18, after "unexpended funds" strike all material through line 19 and insert "go to other distressed areas to encourage the recruitment of disadvantaged unemployed youth."

On page 5, line 11, after "stipend)," insert ": PROVIDED, That if agencies elect to run a residential program the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 760, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Warnke, in terms of agencies--in the coordination of the Department of Employment Security with the other agencies, how will they work with them to be assured that the jobs will all be covered? I suspect that

some of the Department of Ecology programs--recycling and so on--how will the coordination work?"

Senator Warnke: "The agencies will coordinate with Employment Security and tell them how many they need, what type of people, where the program is going to be under their agency. Employment Security will simply administer the program and seek out the applicants and hire them."

Senator Zimmerman: "The other agencies, then, will still indicate what they need and where projects are that they have and will submit the requested number to them?"

Senator Warnke: "That's correct, Senator. They will say what the projects are, how many people they need and Employment Security simply will do the selecting."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 760, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 760, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Kreidler, Newhouse - 2.

Excused: Senators Barr, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 760, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 943, by Representatives Scott, Appelwick and Crane

Establishing a Washington technology exchange.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 943 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 943.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 943 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Metcalf, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Bailey, Benitz, Cantu, Craswell, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Sellar, von Reichbauer - 15.

Excused: Senators Barr, Moore - 2.

ENGROSSED HOUSE BILL NO. 943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1079, by Committee on Trade and Economic Development (originally sponsored by Representatives Peery, Holland, Hargrove, Bristow, Vekich, Haugen, Basich, B. Williams, Schoon, Fisch, Ballard, Betzoff, Sanders, Isaacson, Long, Doty, May, Thomas, L. Smith, Kremen, O'Brien, Wang and Tilly) (by Governor Gardner request)

Authorizing sales tax deferrals for investment projects.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 2, line 6, after "each" strike "one" and insert "two"

On page 2, line 7, after "investment" insert "on which a deferral is requested"

On page 6, line 3, strike "on July 1, 1985" and insert "immediately, provided that no taxes may be deferred prior to July 1, 1985"

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

On page 1, line 11, after "opportunities" strike all material through "areas" on line 12

On page 1, line 13, strike "in these distressed areas"

On page 1, line 14, after "program" strike all material through "circumstances" on line 15

On page 1, line 19, after "in the" strike all material through "the" on line 20

On page 1, beginning on line 27, strike all material through "percent." on page 2, line 2 and renumber the remaining subsections accordingly.

Debate ensued.

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

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

## ROLL CALL

The Secretary called the roll and the motion by Senator Cantu carried and the amendments were adopted by the following vote: Yeas, 26; nays, 19; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Newhouse, Paterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Wojahn, Zimmerman - 26.

Voting nay: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, Owen, Peterson, Rinehart, Talmadge, Thompson, Warnke - 19.

Absent: Senators Voguild, Williams - 2.

Excused: Senators Barr, Moore - 2.

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1079, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, it has been approximately eighteen years since I made the same motion that I'm fixing to make now. In accordance with the Constitution of the state of Washington, Article II, Section 30, the last sentence--'a member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member and shall not vote thereon.' I request the permission of the body not to vote on the bill.

"Mr. President, whatever it takes--any statement you wish I'll make--but I would like for you to state the record will show that I was excused from voting on the bill, because it would present a conflict of interest."

## REPLY BY THE PRESIDENT

President Cherberg: "The President isn't aware, yet, as to whether he has that authority."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, if I may be of assistance, this occurred once when I was in the House and the Speaker simply ruled that the record will so state. I agree with your comment that you don't have authority to excuse us or not excuse us. Obviously, Senator Guess could walk off the floor and be marked absent. What he's asking is that it be recorded that he is being excused."

## REPLY BY THE PRESIDENT

President Cherberg: "Senate Rule 22 states, 'In all cases of election by the Senate the votes shall be taken by yeas and nays and no Senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No Senator shall be allowed to vote except when within the bar of the Senate, or upon any question upon which he or she is in any way personally or directly interested.'"

"The President believes that inasmuch as Senator Guess has stated that he has an interest upon this question, the President will take his word for it and excuse Senator Guess from voting."

Further debate on Substitute House Bill No. 1079 ensued.

## POINT OF INQUIRY

Senator Cantu: "Senator Warnke, during the committee hearing on this bill, we discussed the importance of the term 'complex' on page 2, line 11. Would you describe the significance of that term?"

Senator Warnke: "Senator Cantu, as indicated during testimony on this bill, the tax deferral offered by this bill is intended to be targeted toward new expansions with an emphasis on small or medium-sized businesses. If the term 'complex' were not in the bill, large existing firms who should have available resources for expansion or renovation could qualify for deferral and could very quickly exhaust the twenty million cap on total deferrals for a biennium. I think the intent of this bill is to focus on the deferral on new business attraction."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1079, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1079, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Wojahn, Zimmerman - 38.

Voting nay: Senators Bottiger, Garrett, McDermott, McDonald, Metcalf, Pullen, Rinehart, Williams - 8.

Excused: Senators Barr, Guess, Moore - 3.

SUBSTITUTE HOUSE BILL NO. 1079, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1061, by Committee on Trade and Economic Development (originally sponsored by Representatives Rayburn, Nealey, DAY, Lewis, Dellwo, Doty, Isaacson, Baugher, Tanner, Haugen, Ebersole, Armstrong and Wang)

Establishing a trade assistance center.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the following Committee on Commerce and and Labor amendments were considered simultaneously and adopted:

On page 1, line 21, after "state)" insert "and that these economic activities"

On page 2, line 18, after "and" strike "export or import" and insert "(export)"

On page 3, line 25, after "board" insert "due to the expiration of a term or for any other reason"

On page 3, beginning on line 26, after "term." strike all material through line 28 and insert "(Upon expiration of the terms of each of the original directors, the governor shall appoint directors for six year terms.)"

On page 5, line 33, after "(1983-85)" strike "1985-87 biennium" and insert "(biennium) 1985"

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.010 are each amended to read as follows:

The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth (and), development, and stability of (many) the state's businesses, and ((the economic activities associated with exporting make an important contribution to the economic well-being of the state)) 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 ((export)) financing alternatives(and the limited availability of export financing at reasonable costs from conventional financing sources for many small and medium-sized businesses).

(4) There is a need for ((an)) a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state ((in the financing of export transactions and)) in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 2. Section 2, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.020 are each amended to read as follows:

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 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 ((export)) 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. 3. Section 3, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.030 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of ((eleven)) seventeen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, ((a)) at least two representatives of ((a)) state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be a representative of the governor, ((and four representatives of businesses: (a)) one representative of business from the area west of Puget Sound, ((b)) one representative of business from the area east of Puget Sound and west of the Cascade range, ((c)) one representative of business from the area east of the Cascade range and west of the Columbia river, and ((d)) one representative of business from the area east of the Columbia river. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the ((three)) representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred

persons; (b) one representative of a company employing between one hundred and five hundred persons; and (c) two representatives of companies employing more than five hundred persons. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term. ~~(Upon expiration of the terms of each of the original directors, the governor shall appoint directors for six-year terms.)~~

Sec. 4. Section 4, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.040 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans to Washington businesses with annual sales of twenty-five million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries. Loans by ~~((am))~~ the small business export finance assistance center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available;

(c) Provide loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries;

(d) Establish and regulate the terms and conditions of any such loans and loan guarantees and charges for interest and services connected therewith; ~~((and))~~

(e) Provide export financial counseling to Washington exporters with annual sales of one hundred million dollars or less, provided that such counseling is not available from a Washington for-profit business. For such counseling, the center may charge such fees as it determines are necessary.

(f) Contract with the federal government and its agencies to become a program administrator for federally provided country risk insurance programs and for the purposes of this chapter; and

(g) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation and shall report to the governor and legislature each January 1st on the amounts it has secured from nonstate funding sources.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 5. Section 5, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.050 are each amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 is eligible to receive consideration for a contract under this chapter from the department of commerce and economic development or its statutory successor. The contract shall require the center to provide export assistance services ~~((and)),~~ may not have a duration of longer than two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report at least twice annually to the department on its success in obtaining nonstate funding. ((The center, including its branch, for the biennium ending June 30, 1985, may not have more than one contract with the department of commerce and economic development or its statutory successor.))

Sec. 6. Section 7, chapter 20, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

The director of commerce and economic development or its statutory successor shall: (a) Report to the governor and the legislature before ~~((October 1, 1985))~~ December 1, 1985, concerning the contract made with the small business export finance assistance center under this chapter during the ~~((1983-85))~~ 1985 biennium, and the operations and activities of the small business export finance assistance center during that period; and (b) make a report to the small business export finance assistance center by September 1, ~~((1983))~~ 1985, and at least annually thereafter as to products and services the department or its statutory successor has been able to identify and has targeted as those products and services which are sought by

foreign markets. Upon request the department or its statutory successor shall furnish a copy of its report to the small business export finance assistance center to any interested party.

NEW SECTION, Sec. 7. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the export assistance center shall be delivered to the custody of the small business export finance assistance center. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the export assistance center shall be made available to the small business export finance assistance center. All funds, credits, or other assets held by the export assistance center shall be assigned to the small business export finance assistance center.

Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION, Sec. 8. All existing contracts and obligations shall remain in full force and shall be performed by the small business export finance assistance center.

NEW SECTION, Sec. 9. The transfer of the powers, duties, and functions of the export assistance center shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION, Sec. 10. A new section is added to chapter 43.131 RCW to read as follows: The small business export finance assistance center and its powers and duties shall be terminated on June 30, 1990, as provided in section 11 of this 1985 act.

NEW SECTION, Sec. 11. A new section is added to chapter 43.131 RCW to read as follows: The following acts, or parts of acts, as now existing or hereafter amended are each repealed, effective June 30, 1991:

(1) Section 1, chapter 20, Laws of 1983 1st ex. sess., section 1 of this 1985 act and RCW 43.210.010;

(2) Section 2, chapter 20, Laws of 1983 1st ex. sess., section 2 of this 1985 act and RCW 43.210.020;

(3) Section 3, chapter 20, Laws of 1983 1st ex. sess., section 3 of this 1985 act and RCW 43.210.030;

(4) Section 4, chapter 20, Laws of 1983 1st ex. sess., section 4 of this 1985 act and RCW 43.210.040;

(5) Section 5, chapter 20, Laws of 1983 1st ex. sess., section 5 of this 1985 act and RCW 43.210.050;

(6) Section 6, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.060;

(7) Section 7, chapter 20, Laws of 1983 1st ex. sess. and section 6 of this 1985 act (uncodified);

(8) Section 7 of this 1985 act (uncodified);

(9) Section 8 of this 1985 act (uncodified); and

(10) Section 9 of this 1985 act (uncodified).

NEW SECTION, Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, I read the information on the bill--'The Center is authorized to become an administrator for federally provided Country Risk Insurance Programs.' Now, the Production Credit Corporation has had four or five bankruptcies. I'm not familiar with the Country Risk Insurance Program. What is it?"

Senator Warnke: "The Country Risk Insurance is the small business export finance center acting as an administrator for the Foreign Credit Insurance Corporation--FCIC--and an affiliate of the export/import bank."

Senator Rasmussen: "Those Production Credit Corporations that went bankrupt were federally financed, too, I understand. When they went bankrupt, they left a lot of people in bad shape. Maybe some of the insurance people here know about it. I don't know much about this one."

Senator Warnke: "Senator, the Center only acts in assisting or directing clients to agencies or places to get insurance. This is just one of the places to send people if they wish to get insurance."

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

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

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1061, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1061, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1061, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Pullen - 3.

Absent: Senator Williams - 1.

Excused: Senators Barr, Moore - 2.

SUBSTITUTE HOUSE BILL NO. 1061, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bottiger, Substitute House Bill No. 1169 was placed at the bottom of the second reading calendar.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1207, by Committee on Trade and Economic Development (originally sponsored by Representative McMullen)

Establishing an emergency pilot vocational training program.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 3, after line 2, add the following:

"NEW SECTION. Sec. 5. The emergency pilot vocational training program shall cease to exist on July 1, 1987, unless extended by law for an additional fixed period of time."

On motion of Senator Halsan, the following amendments were considered simultaneously and adopted:

On page 1, line 27, after "College," strike "and"

On page 1, line 27, after "Yakima Valley Community College" insert ", and Centralia Community College"

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

On page 2, after line 31, insert the following new section:

"NEW SECTION. Sec. 3. The number of persons granted tuition and fee waivers under section 2 of this act shall not exceed two hundred full time equivalent students. The state board for community college education shall provide an equitable allocation of the waivers among the community colleges specified in subsection (3) of section 2 of this act. The provisions of RCW 28B.15.740 shall not apply to waivers of tuition and fees granted under this act. The waivers provided under this act may only be granted to the extent that public or private funds are provided to the state board for community college education expressly for such purposes."

Renumber the remaining sections consecutively.

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

On line 2 of the title after "date:" insert "providing an expiration date:"

## MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1207, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1207, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1207, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Barr, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1207, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Rinehart was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 84, by Committee on Ways and Means (originally sponsored by Representative Grimm)

Authorizing school districts to self-fund their employees' loss of time and health benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 84 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 84.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 84 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Moore, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 84, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 107, by Representatives Crane, P. King, Armstrong, Dellwo, Sutherland, Zellinsky, Barnes, Locke, West and Padden

Expanding and clarifying the crime of interference with official proceedings.

The bill was read the second time.

#### MOTION

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

On page 2, after line 22, insert the following:

\*NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

The chief of the Washington state patrol is directed to provide such security and protection for the supreme court, while in session, as in the opinion of the chief justice may be necessary therefor, upon the advice of the clerk of the court and the court bailiff.

The chief of the Washington state patrol is also directed to provide security and protection to members of the court and their families to the extent and in the manner the chief justice and the chief of the Washington state patrol deem adequate and appropriate."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, you are aware, of course, of the great expansion under the protection given to former presidents, their wives and their children, where they will have a child go on a vacation and they will have a contingent of fifty secret service men along with them--that's going to Florida, Naples or some place. Is there any chance of this bill allowing expansions, such as this type?"

Senator Talmadge: "No, and if that were the case, Senator Rasmussen, I would join with you from preventing that from happening."

Senator Rasmussen: "How many members--is it open only to the Supreme Court and their chambers?"

Senator Talmadge: "It would be only as may be required by the Supreme Court. I would anticipate that their security would be similar to what is provided to us by the Washington State Patrol. They would meet with the Patrol and see what their security needs are. If it got to be something that blossomed far beyond what we had anticipated by this amendment, I think we could put a stop to that. It's intended to provide security precautions as may be required under the circumstances."

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, who makes the final decision as to whether such security has to be given? Is it up to the Chief Justice of the Supreme Court or is it up to the Chief of the Washington State Patrol?"

Senator Talmadge: "I think it's up to them in conjunction with one another. They have to mutually agree on the requisite security that would be provided."

Senator Pullen: "Well, that's the way I read the committee amendment with respect to the second paragraph, where it says, 'The Chief of the Washington State Patrol is also directed to provide security and protection to the members of the court and their families to the extent and in the manner the Chief Justice and the Chief of the Washington State Patrol deem adequate and appropriate.' However, in the first paragraph, it says 'The Chief of the Washington State Patrol is directed to provide such security and protection for the Supreme Court while in session, as in the opinion of the Chief Justice may be necessary therefor upon the advice of the Clerk of the Court and the Chief Bailiff.'

"It sounds to me that the Chief of the State Patrol would have no option with regard to providing security for the Supreme Court while in session. Is that correct? Is that the intent?"

Senator Talmadge: "I think that's the understanding, Senator Pullen. The second paragraph is designed to be something where they both have to agree on it. For example, if there were a death threat that was pending against some Justice and the Chief of the State Patrol and the Chief Justice would agree on the security. In the case of the court being actually in session, the court would call over, for example, to the Chief of the State Patrol and say, 'we've got a very hot case here and we anticipate there may be some problems--if you could give us a uniformed state trooper, that would sure help.'

"If this gets out of hand, as I said in response to Senator Rasmussen's question, I would join in making sure that we restrict it narrowly."

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

The motion by Senator Talmadge carried and the committee amendment was adopted.

#### MOTION

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

On page 1, line 3 of the title, after "9A.72 RCW;" insert "adding a new section to chapter 43.43 RCW;"

#### MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 107, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, House Bill 107 provides that a person is guilty of a Class B felony for intimidating a judge if the person directs a threat to a judge because of the judge's ruling or decision in any official proceeding. 'Threat' in this bill is defined with reference to RCW 9A.04.110(25). RCW 9A.04.110(25) defines 'threat' to mean a communication, directly or indirectly, of the intent to do a number of acts including bodily injury, property damage, or physical confinement. Also, included as a 'threat' is communication of an intent--'To do any other act which is intended to harm substantially the person threatened with respect to his health, safety business, financial condition, or personal relationships.'

"Focussing on the words 'business' and 'financial condition,' I can foresee a situation in which a person who is dissatisfied with a judge's decision writes a letter to the judge saying that they are going to vote the judge out of office in the next election. It seems to me that the type of threats this bill prohibits should be limited to threats of physical or financial damage to a person or their property, and not to their position as an elected official.

"Is it your intent that this bill be applicable to such threats to vote against a judge in the next election as I have described?"

Senator Talmadge: "No."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 107, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Guess - 1.

Excused: Senators Barr, Moore, Rinehart - 3.

HOUSE BILL NO. 107, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 153, by Representatives Armstrong, Crane, Brække, Long, Schmidt, P. King, Winsley, S. Wilson, Bond, Van Luven, Isaacson, Ballard, Hastings, May, Holland, Hankins, Doty, Brough, Wang, J. Williams and Tanner) (by Department of Social and Health Services request)

Revising the enforcement of child support obligations.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 322, Laws of 1959 as last amended by section 29, chapter 260, Laws of 1984 and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to

establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

(2) The secretary may accept ~~((applications))~~ a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action ~~((in appropriate cases))~~ to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. ~~((Applications))~~ Requests accepted under this ~~((section))~~ subsection may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, ~~((such))~~ reasonable standards ~~((as may be necessary to limit applications))~~ and qualifications for support enforcement services under this subsection. ~~((Said standards shall take into account the income, property, or other resources already available to support said person for whom a support obligation exists.))~~

(3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act, and may take appropriate action to establish and enforce support obligations against the parent or other person owing a duty to pay support moneys. Requests from such agencies must be accompanied by a request for support enforcement services executed by the state agency submitting the application and the person to whom the support moneys were owed authorizing the secretary to initiate appropriate action to establish, enforce, and collect the support obligation on their behalf. The application shall contain and be accompanied by such information and documentation as the secretary may by rule require.

The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state.

(4) The secretary may charge and collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may ~~((the fee be))~~ any moneys collected by the department of social and health services from the person obligated to pay support be retained as satisfaction of fees charged until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee.

~~((4))~~ (5) Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

~~((5))~~ (6) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

Sec. 2. Section 4, chapter 164, Laws of 1971 ex. sess. as amended by section 5, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.040 are each amended to read as follows:

The secretary may issue a notice of a support debt accrued and/or accruing based upon ~~((subrogation to or))~~ RCW 74.20A.030, assignment of ~~((the judgment))~~ a support debt or a request for support enforcement services under RCW 74.20.040 (2) or (3), to enforce and collect a support debt created by a superior court order. Said notice may be served upon the debtor in the manner prescribed for the service of a summons in a civil action or be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. Said notice of debt shall include a statement of the support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order to which the department is subrogated or is authorized to enforce and collect under RCW 74.20A.030, has an assigned interest, or has been authorized to enforce pursuant to RCW 74.20.040 (2) or (3); a statement that the property of the debtor is subject to collection action; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the support debt. Action to collect ~~((said subrogated or assigned))~~ a support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the date of service upon the debtor or twenty days from the receipt or refusal by the debtor of said notice of debt.

Sec. 3. Section 22, chapter 171, Laws of 1979 ex. sess. and RCW 74.20.330 are each amended to read as follows:

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any ((rights)) unpaid support obligation or support debt which ((have)) has accrued at the time the assignment is made. Payment of public assistance under this ((chapter)) title operates as an assignment by operation of law.

(2) The department may, ((during the four months)) and under appropriate circumstances shall, continue to establish the support obligation and to enforce and collect the support debt for a period not to exceed three months from the month following the ((last)) month in which such family ceased to receive public assistance ((was paid)), and thereafter if a nonassistance ((application)) request for support enforcement services has been made under RCW 74.20.040((; pay the family, from collections made on the delinquent support assigned, an amount equal to the monthly amount required by either the superior court order for support or the administrative order entered under RCW 74.20A.055. Nothing in this section shall be construed to permit the department to make such payments for months in which no collections have been made on the delinquent support assigned; nor is the department permitted to make payments for the support of one person from collections on the delinquent support assigned by a different person. The department has, upon making any such payment, by operation of law an additional assignment of the unpaid obligation owed for the month in which the payment is made. The department shall take action to collect the unpaid obligation to reimburse itself and/or the federal government for the payment made)) (2) and (3). The department shall distribute all amounts collected in accordance with 42 U.S.C. Sec. 657.

Sec. 4, Section 2, chapter 164, Laws of 1971 ex. sess. as amended by section 3, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.020 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 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 under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(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((; or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys)) to satisfy the support obligation.

(6) "Administrative order" means any determination, finding, decree, or order for support issued by the department 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.

((6)) (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child.

((6)) (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.

((7)) (9) "Support moneys" means any moneys or in-kind providing 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. 5, Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 40, chapter 260, Laws of 1984 and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW ((26-16-295)) 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

No collection shall be made from a parent or other person who is the recipient of public assistance moneys while such person or persons are in such status except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040.

Sec. 6. Section 8, chapter 164, Laws of 1971 ex. sess. as last amended by section 6, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.080 are each amended to read as follows:

~~Twenty-one days after service of a notice of debt as provided for in RCW 74.20A.040 ((stating a support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any superior court order)), or twenty-one days after service of the notice and finding of financial responsibility or as otherwise appropriate under RCW 74.20A.055, or as appropriate under RCW 74.20A.270, the secretary is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the state property which is due, owing, or belonging to said debtor. The order to withhold and deliver shall state the amount of the support debt accrued, and shall state in summary the terms of RCW 74.20A.090 and 74.20A.100. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the state upon whom service has been made is hereby required to answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision or department of the state. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the state any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement of the order to withhold and deliver. Delivery to the secretary shall serve as full acquittance and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. The foregoing is subject to the exemptions contained in RCW 74.20A.090.~~

The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the

mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for support moneys.

Any person, firm, corporation, association, or political subdivision or department of the state required to withhold and deliver the earnings of a debtor under this action may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver.

Sec. 7. Section 10, chapter 164, Laws of 1971 ex. sess. as amended by section 11, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.100 are each amended to read as follows:

Should any person, firm, corporation, association, political subdivision or department of the state fail to make answer to an order to withhold and deliver within the time prescribed herein; or fail or refuse to deliver property pursuant to said order; or after actual notice of filing of a support lien, pay over, release, sell, transfer, or convey real or personal property subject to a support lien to or for the benefit of the debtor or any other person; or fail or refuse to surrender upon demand property distrained under RCW 74.20A.130 or fail or refuse to honor an assignment of wages presented by the secretary, said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees. If a judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section, the secretary is authorized to issue a notice of debt pursuant to RCW 74.20A.040 and to take appropriate action to collect the debt under this chapter.

Sec. 8. Section 16, chapter 164, Laws of 1971 ex. sess. as amended by section 8, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.160 are each amended to read as follows:

With respect to any arrearages on a support debt assessed under RCW 74.20A.040, 74.20A.055, or 74.20A.270, the secretary may at any time consistent with the income, earning capacity and resources of the debtor, set or reset a level and schedule of payments to be paid upon ~~(the)~~ a support debt. The secretary may, upon petition of the debtor providing sufficient evidence of hardship, after consideration of the standards established in RCW 74.20.270, release or refund moneys taken pursuant to RCW 74.20A.080 to provide for the reasonable necessities of the responsible parent or parents and minor children in the home of the responsible parent. Nothing in this section shall be construed to require the secretary to take any action which would require collection of less than the obligation for current support required under a superior court order or an administrative order or to take any action which would result in a bar of collection of arrearages from the debtor by reason of the statute of limitations.

Sec. 9. Section 18, chapter 164, Laws of 1971 ex. sess. as amended by section 16, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.180 are each amended to read as follows:

If the secretary finds that the collection of any support debt, accrued under a superior court order, based upon subrogation ~~((to))~~ or an authorization to enforce and collect under RCW 74.20A.030, or assignment of, or a request for support enforcement services to enforce and collect the amount of support ordered by any superior court order is in jeopardy, ~~((he))~~ the secretary may make a written demand under RCW 74.20A.040 for immediate payment of the support debt~~(:))~~ and, upon failure or refusal immediately to pay said support debt, ~~((he))~~ may file and serve liens pursuant to RCW 74.20A.060 and 74.20A.070, without regard to the twenty day period provided for in RCW 74.20A.040: PROVIDED, That no further action under RCW 74.20A.080, 74.20A.130 and 74.20A.140 may be taken until the notice requirements of RCW 74.20A.140 are met.

Sec. 10. Section 20, chapter 164, Laws of 1971 ex. sess. as last amended by section 9, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.200 are each amended to read as follows:

Any person against whose property a support lien has been filed or an order to withhold and deliver has been served pursuant to this chapter may apply for relief to the superior court of the county wherein the property is located ~~((on the basis that no support debt is due and owing))~~. It is the intent of this chapter that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review.

Sec. 11. Section 23, chapter 164, Laws of 1971 ex. sess. as amended by section 21, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.230 are each amended to read as follows:

No employer shall discharge or discipline an employee or refuse to hire a person for reason that an assignment of earnings has been presented in settlement of a support debt or that a

support lien or order to withhold and deliver has been served against said employee's earnings (~~(- PROVIDED: That this provision shall not apply if more than three support liens or orders to withhold and deliver are served upon the same employer within any period of twelve consecutive months)~~). If an employer discharges or disciplines an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

Sec. 12. Section 24, chapter 164, Laws of 1971 ex. sess. as amended by section 22, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.240 are each amended to read as follows:

Any person, firm, corporation, association, political subdivision or department of the state employing a person owing a support debt or obligation, shall honor, according to its terms, a duly executed assignment of earnings presented by the secretary as a plan to satisfy or retire a support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether said earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented by the secretary shall serve as full acquittance under any contract of employment, and the state warrants and represents it shall defend and hold harmless such action taken pursuant to said assignment of earnings. The secretary shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received.

An assignment of earnings presented by the secretary in accordance with this section has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for support moneys.

The employer may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars from the first disbursement to the department and one dollar for each subsequent disbursement under the assignment of earnings.

Sec. 13. Section 25, chapter 164, Laws of 1971 ex. sess. as last amended by section 20, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.250 are each amended to read as follows:

((By accepting public assistance, the recipient is)) Whenever the secretary has been authorized under RCW 74.20.040 to take action to establish, enforce, and collect support moneys, the custodial parent and the child or children are deemed, without the necessity of signing any document, to have appointed the secretary as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received on behalf of said child or children ((as reimbursement for the public assistance moneys previously paid to said recipient)) to effect proper and lawful distribution of the support moneys in accordance with 42 U.S.C. Sec. 657.

Sec. 14. Section 18, chapter 171, Laws of 1979 ex. sess. as amended by section 41, chapter 260, Laws of 1984 and RCW 74.20A.270 are each amended to read as follows:

The secretary may issue a notice of support debt to any person, firm, corporation, association or political subdivision of the state of Washington or any officer or agent thereof who has violated RCW 74.20A.100, who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW, if the support moneys have not been remitted to the department as required by law.

The notice shall describe the claim of the department, stating the legal basis for the claim and shall provide sufficient detail to enable the person, firm, corporation, association or political subdivision or officer or agent thereof upon whom service is made to identify the support moneys in issue or the specific violation of RCW 74.20A.100 that has occurred. The notice may also make inquiry as to relevant facts necessary to the resolution of the issue.

The notice may be served by certified mail, return receipt requested, or in the manner of a summons in a civil action. Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested.

The notice shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The ((notice)) answer shall also either acknowledge the department's right to the moneys or request an administrative hearing to contest the allegation that RCW 74.20A.100 has been violated, or determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department and shall be a contested case as provided for in chapter 34.04 RCW. The burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent, is on the department.

If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW. Any such debtor may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for a hearing upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on any appeal made pursuant to chapter 34.04 RCW. Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim, shall be held in trust pending final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

If the hearing is granted it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to the hearing is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal made to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

The hearing shall be a contested case as provided for in chapter 34.04 RCW and shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department. The hearing shall be promptly scheduled within thirty days from the date of receipt of the answer by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter an initial decision and order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. Within thirty days of entry of the decision and order the debtor may petition the secretary or the secretary's designee to vacate the decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

The hearing and review process shall be as provided for in RCW 74.20A.055.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, the judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330. The department may, despite any final order in these proceedings, take action pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing.

If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law. Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section.

NEW SECTION. Sec. 15. A new section is added to chapter 74.20A RCW to read as follows:

A support obligation arising under the statutes or common law of this state binds the responsible parent, present in this state, regardless of the presence or residence of the custodian or children. The obligor is presumed to have been present in the state of Washington during the period for which support is sought until otherwise shown. The department may establish an administrative order pursuant to RCW 74.20A.055 that is based upon any support obligation imposed or imposable under the statutes or common law of any state in which the obligor was present during the period for which support is sought.

NEW SECTION. Sec. 16. Section 3, chapter 322, Laws of 1959, section 2, chapter 206, Laws of 1963 and RCW 74.20.020 are each repealed.

NEW SECTION. Sec. 17. The department of social and health services office of support enforcement is the designated agency in Washington state to administer the child support program under Title IV-D of the federal social security act and is responsible for providing necessary and mandated support enforcement services and ensuring that such services are

available state-wide. It is the intent of the legislature to enhance the total child support program in this state by granting the office of support enforcement administrative powers and flexibility. If the exercise of this authority is used to supplant or replace the role of the prosecuting attorneys for reasons other than economy or federal compliance, the Washington association of prosecuting attorneys shall report to the committees on judiciary of the senate and house of representatives."

On motion of Senator Talmadge, the following title amendment was adopted: On page 1, line 5 of the title, after "74.20A RCW;" insert "creating a new section:"

#### MOTION

On motion of Senator Granlund, the rules were suspended, House Bill No. 153, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 153, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 153, as amended by the Senate, and the bill Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Guess, Lee - 2.

Excused: Senators Barr, Moore, Rinehart - 3.

HOUSE BILL NO. 153, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:22 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

At 1:30 p.m. and there being no objection, the President recessed the Senate until 2:00 p.m.

#### SECOND AFTERNOON SESSION

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

#### MOTIONS

On motion of Senator Bender, Senator Peterson was excused.

On motion of Senator von Reichbauer, Senators Sellar and McCaslin were excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 717, by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Isaacson, D. Nelson, Schmidt, Unsoeld, Long, Van Luven, Cole, Crane, Brough, Allen, Thomas and Wineberry)

Imposing requirements for approval of optional local measured service telephone rates.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 717 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 717.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 717 and the bill passed the Senate by the following vote: Yeas, 40; absent, 4; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Benitz, Deccio, Kreidler, Owen - 4.

Excused: Senators Barr, McCaslin, Moore, Peterson, Sellar - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 242, by Committee on Judiciary (originally sponsored by Representatives Locke, Patrick, Sanders, Winsley, Lewis, Fuhrman, Addison, S. Wilson, Miller, Tilly, G. Nelson, R. King, Van Luven, May, Bond, Silver, Taylor, Long, D. Nelson, Isaacson, Unsoeld and Schoon) (by Attorney General request)

Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime.

The bill was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 145, Laws of 1981 and RCW 7.69.010 are each amended to read as follows:

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime and the civic and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to grant to the victims of crime and the survivors of such victims a significant role in the criminal justice system. The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.

Sec. 2. Section 2, chapter 145, Laws of 1981 and RCW 7.69.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act (~~committed by an adult or juvenile in this state which, if committed by a competent adult person, would constitute a crime as provided in either federal, state, or local statute~~) punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) (~~"Family member"~~) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, (~~or~~) legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject

to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

Sec. 3. Section 3, chapter 145, Laws of 1981 and RCW 7.69.030 are each amended to read as follows:

There shall be a reasonable effort made to ((assure)) ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(2) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(3) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(4) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(5) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(6) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(7) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(8) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance; ((and))

(9) ((To have the family members of homicide victims afforded all of the rights established under subsections (1) through (4), (6), and (7) of this section)) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(10) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(11) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(12) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;

(13) To be promptly notified upon the request of victims or survivors of victims by the agency or institution having custody of an offender convicted and sentenced to a term of confinement of more than a year, or acquitted by reason of insanity, of a violent offense as defined in RCW 9.94A.030, when such offender is furloughed, placed on work or training release or partial confinement, placed on parole, or released following completion of a sentence, placed under community supervision, conditionally released, or finally discharged from an insanity commitment, or when such offender escapes. The victim or survivor may designate that another person or entity receive the notification. The agency or institution shall send the notices to the last known address provided by the requesting victim or survivor; and

(14) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

NEW SECTION. Sec. 4. A new section is added to chapter 7.69 RCW to read as follows:

For purposes of this chapter, a victim who is incapacitated or otherwise incompetent shall be represented by a parent or present legal guardian, or if none exists, by a representative designated by the prosecuting attorney without court appointment or legal guardianship proceedings. Any victim may designate another person as the victim's representative for purposes of the rights enumerated in RCW 7.69.030.

NEW SECTION. Sec. 5. A new section is added to chapter 7.69 RCW to read as follows:

Nothing contained in this chapter may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding, nor may anything in this chapter be construed to grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure to provide notice of the rights enumerated in RCW 7.69.030 or to provide notice pursuant to RCW 7.69.030(13) to a victim, survivor, or witness under this chapter shall not result in civil liability for the agency or institution or its employees so long as the failure to notify was in good faith and without gross negligence. The failure to make a reasonable effort to ensure that victims, survivors, and witnesses under this chapter have the rights enumerated in RCW 7.69.030 shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence. This chapter does not limit other civil remedies or defenses of the offender or the victim or survivors of the victim.

Sec. 6. Section 11, chapter 137, Laws of 1981 as amended by section 5, chapter 209, Laws of 1984 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department.

Sec. 7. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death, or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
  - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
  - (c) Pursue a prescribed, secular course of study or vocational training;
  - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
  - (e) Report as directed to the court and a community corrections officer; or
  - (f) Pay a fine, make restitution, and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year,

and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

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

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such

terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

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

(14) This section shall apply to offenses committed before the effective date of this 1985 act.  
NEW SECTION, Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the

sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

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

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

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

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

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

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

(15) This section shall apply to offenses committed after the effective date of this act.

Sec. 9. Section 14, chapter 137, Laws of 1981 as amended by section 5, chapter 192, Laws of 1982 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

(5) This section shall apply to offenses committed before the effective date of this 1985 act.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and shall set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after the effective date of this act.

Sec. 11. Section 21, chapter 117, Laws of 1973 1st ex. sess. as amended by section 3, chapter 196, Laws of 1983 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his attorney, to his personal physician, to the prosecuting attorney, to the court or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the board of prison terms and paroles if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which they were detained, hospitalized, or committed pursuant to this chapter. Information limited to specific notification of the date of discharge, release, or unauthorized absence from the state institution designated for the custody, care, and treatment of the criminally insane, shall be made available, only upon request, to victims and survivors of victims entitled to notification under RCW 7.69.030(13).

Sec. 12. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 196, Laws of 1983 and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ .....

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the board of prison terms and paroles for persons who are the subject of the records and who are committed to the custody of the department of corrections or board of prison terms and paroles which information or records are necessary to carry out the responsibilities of their office: PROVIDED, That

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or board of prison terms and paroles shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To victims and survivors of victims entitled to notification under RCW 7.69.030(13). The disclosure shall be limited to the specific notification of the date of discharge, release or unauthorized absence from the inpatient facility.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 13. Section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240 are each amended to read as follows:

(1) Any persons committed under the provisions of this chapter may be paroled by the superintendent of the institution wherein such person is confined whenever the superintendent is of the opinion that such person has improved to an extent that he is no longer a menace to the health, lives or property of himself or others. Such opinion shall be certified to the committing court and unless within thirty days the court orders the return of such person, the superintendent may parole him upon such conditions as the superintendent may deem advisable. After five years the superintendent shall review the record of such psychopathic delinquent, and if in his opinion such psychopathic delinquent remains safe to be at large, he shall discharge him. In addition, the superintendent may grant temporary visit paroles to psychopathic delinquents; such temporary visit paroles shall not exceed sixty days in duration, and at the expiration of such period the superintendent shall either return the psychopathic delinquent to the institution or grant a parole, as otherwise provided herein.

(2) The superintendent may grant temporary visit paroles on such conditions as he may deem advisable, but notice of such temporary visit parole shall be given to the sheriff of the county in which the psychopathic delinquent will be on temporary visit parole and the chief of police of any city or town said delinquent may be visiting.

(3) Victims and survivors of victims entitled to notification under RCW 7.69.030(13) may receive notification of furloughs, parole, temporary releases, permanent releases from custody, or discharge of persons committed under this chapter. The notification shall be limited to the identification of the date of such release, parole, or furlough, the time of scheduled return, and any geographical limitations imposed as a condition of release.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1985.

MOTION

On motion of Senator Talmadge, the following amendment by Senators McDermott and Newhouse to the Committee on Judiciary amendment was adopted:

On page 38 of the amendment, after line 36, insert the following:

NEW SECTION. Sec. 14. The Washington state patrol shall establish a missing children clearinghouse which shall include the maintenance and operation of a toll-free, twenty-four-

hour telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children. The state patrol shall also maintain a regularly updated computerized link with national and other state-wide missing person systems or clearinghouses.

"Child" or "children," as used in this chapter, means an individual under eighteen years of age.

**NEW SECTION.** Sec. 15. Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within twelve hours after notification of a missing child is received under RCW 13.32A.050 (1), (3), or (4). The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate.

**NEW SECTION.** Sec. 16. The superintendent of public instruction shall meet semiannually with the Washington state patrol to develop a coordinated plan for the distribution of information and education of teachers and students in the school districts of the state regarding the missing children problem in the state. The superintendent of public instruction shall encourage local school districts to cooperate by providing the state patrol information on any missing children that may be identified within the district.

**NEW SECTION.** Sec. 17. Sections 14 through 16 of this act shall constitute a new chapter in Title 13 RCW.

**NEW SECTION.** Sec. 18. There is appropriated from the general fund to the Washington state patrol for the biennium ending June 30, 1987, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 14 through 16 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTION

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

On page 38 of the amendment, after line 36, insert the following:

"Sec. 14. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 239, Laws of 1983 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state(~~(-PROVIDED, That)~~), except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless ~~((c))~~;

(i) The injury or death was intentionally inflicted; ~~((b))~~

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or ~~((c))~~

(iii) The death or injury was the result of operation of a motor vehicle after July 24, 1983, and a conviction of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522, has been obtained(~~(-PROVIDED, FURTHER, (a) That)~~);

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsection(~~(s-c) and (d) above~~) (2)(a)(iii) of this section; ~~((b) that)~~

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; ~~((c-that)) and~~

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 15. Section 3, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter 34.04 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

Sec. 16. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 311, chapter 258, Laws of 1984 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be ~~((fifty))~~ seventy dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and ~~((twenty-five))~~ forty-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61-.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Until June 30, 1987, each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. After that date, each county shall continue to provide for such comprehensive programs. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the

county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Until June 30, 1987, every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. After that date, every city and town shall transmit to the county a percentage of such money, up to one and seventy-five one-hundredths percent, which matches the percentage of court revenue the county provides under subsection (4) of this section.

Sec. 17, Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one year after the date ~~((of))~~ the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued~~((;))~~; or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 18, Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 239, Laws of 1983 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.020, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) ~~((The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter, in addition thereto.))~~ No person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) ~~((The result of an act or acts committed by a person living in the same household with the victim:))~~

(c) ~~((The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption, or marriage, or the parent of the spouse or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:))~~

(f) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and

(g) The interests of justice require otherwise in the particular case;

(h) The result of the victim assisting, attempting, or committing a criminal act; or

(i) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed ~~((five hundred dollars))~~ the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars may be granted as a result of any single injury or death.

~~((13) Notwithstanding the provisions of Title 51 RCW, no claim resulting from a single injury or death is eligible for benefits for the first two hundred dollars worth of loss suffered: PROVIDED, That this subsection does not apply to costs covered by RCW 7.68.170 or to other medical costs incurred by the victim of a sexual assault:))~~

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

Sec. 19. Section 9, chapter 176, Laws of 1975 1st ex. sess. as amended by section 6, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.075 are each amended to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly indicates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW 51.08.030, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

An invalid child shall not receive compensation under this chapter while being supported and cared for by a state institution. No payment shall be made to or for a natural child of a deceased victim and, at the same time, as the stepchild of a deceased victim.

Sec. 20. Section 13, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 156, Laws of 1980 and RCW 7.68.130 are each amended to read as follows:

Benefits payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance available. Benefits payable after 1980 to victims injured or killed before 1980 shall be reduced by any other public or private insurance including but not limited to social security. Payment by the department under this chapter shall be secondary to such other insurance benefits, notwithstanding the provision of any contract or coverage to the contrary: PROVIDED, That in the case of private life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 21. The amendments to RCW 7.68.020, 7.68.060, and 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985.

NEW SECTION. Sec. 22. There is appropriated from the public safety and education account in the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of two million two hundred forty-eight thousand dollars, or as much thereof as may be necessary, to carry out the purposes of this act."

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Talmadge, tell me a little bit about the funding. Are we wiping out the two-hundred dollars that was an assessment on the criminals and replacing it with something?"

Senator Talmadge: "No, we're not. The funding source for this, Senator McDonald, is the enactment at the federal level by the Congress of a hundred million dollar fund in the federal Crime Victim's Compensation Law. The state of Washington, by making the change in our Crime Victims Compensation Law, as provided for in this bill, will qualify for about a million dollars per year--two million dollars for this biennium for the Crime Victim's Compensation Law. That's the first source. The second is, specifically, an increase in the assessment that now occurs against the offenders. Presently, it is so much for a misdemeanor and so much for a felony. We would increase that amount and that will raise some additional two hundred thousand dollars for this biennium.

"As a consequence, I think, this amendment will provide for a Crime Victim's Compensation program that will not have to borrow from the Crime Justice Training account, as has occurred, and will also pay for the additional changes that are laid out in this bill."

Senator McDonald: "So it is federal money and money as assessed on the felonies?"

Senator Talmadge: "And misdemeanors."

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

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Williams and Newhouse to the Committee on Judiciary amendment be adopted:

On page 38 of the amendment, after line 36, insert the following:

"Sec. 14. Section 1, chapter 58, Laws of 1975 and RCW 4.24.300 are each amended to read as follows:

Any person, including but not limited to a public or private nonprofit volunteer firefighter, volunteer police officer, emergency medical technician, volunteer ambulance attendant, and volunteer first provider of medical services, who ((in good faith and not for)) without compensation or the expectation of compensation renders emergency care at the scene of an emergency or ((who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall)) during transit by an established emergency medical service provider to a location where professional medical care can be rendered is not ((be)) liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct. Any person rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care is excluded from the protection of this subsection.

Sec. 15. Section 2, chapter 58, Laws of 1975 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) ~~("Good faith" means a state of mind denoting honesty of purpose, integrity, and a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the injured person is hospitalized))~~ "Compensation" has its ordinary meaning but does not include nominal payments, reimbursement for expenses, or pension benefits.

(2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action other than in a hospital, doctor's office, or other place where qualified medical personnel practice or are employed.

Sec. 16, Section 8, chapter 49, Laws of 1970 ex. sess. and RCW 9.69.100 are each amended to read as follows:

(1) Whoever, having witnessed the actual commission of a ~~((felony involving violence or threat of violence or having witnessed preparations for the commission of a felony involving violence or threat of violence))~~ violent offense as defined in RCW 9.94A.030(17) or preparations for the commission of such an offense, or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible ((make known his knowledge of such to)) notify the prosecuting attorney, ~~((police))~~ or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this ((act)) section shall be so construed to affect existing privileged relationships as provided by law: PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.

(2) For the purposes of this section, "felony sexual offense" means a sexual offense constituting a felony under chapter 9.68A or 9A.64 RCW or a class B or C felony under chapter 9A.44 RCW.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, in reading this--the person that witnesses this and sees it, then they have a reasonable time to respond--to go to the proper authorities. It doesn't say that they have to take an active part right there. Just exactly, how does this work?"

Senator Talmadge: "Senator Metcalf, the intention, I think, is indicated in Section 16 of the amendment--"That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible." We're not asking people to have to jump in and mix-up with someone who is violent or has a weapon. We're simply saying that is--what I think--a common sense response. If you see someone, for example, being violently assaulted, a phone call to the police will satisfy your obligation under this law."

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Williams and Newhouse to the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

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

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

#### MOTION

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, on line 2 of the title, after "crime;" strike the remainder of the title and insert "amending RCW 7.69.010, 7.69.020, 7.69.030, 9.94A.110, 9.94A.120, 9.94A.140, 10.77.210, 71.05.390,

and 71.06.240: adding new sections to chapter 7.69 RCW; adding new sections to chapter 9.94A RCW; providing an effective date; and declaring an emergency."

On page 39, on line 26 of the amendment, after "9.94A RCW;" insert "adding a new chapter to Title 13 RCW; making an appropriation;"

On page 39, on line 23 of the title amendment, after "71.05.390," strike "and" and after "71.06.240" insert ", 7.68.020, 7.68.030, 7.68.035, 7.68.060, 7.68.070, 7.68.075, and 7.68.130"

On page 39, on line 26 of the title amendment, after "9.94A RCW;" insert "creating a new section; making an appropriation;"

On page 39, on line 23 of the title amendment, after "71.05.390," strike "and" and after "71.06.240" insert ", 4.24.300, 4.24.310, and 9.69.100"

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 242, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 242, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 242, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 2; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Pullen - 1.

Absent: Senators Conner, Kreidler - 2.

Excused: Senators Barr, McCaslin, Moore, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 242, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

April 18, 1985

SB 3654 Prime Sponsor, Senator McDermott: Relating to the capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3654 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Goltz, Rinehart, Talmadge, Thompson, Zimmerman.

Hold.

#### GUBERNATORIAL APPOINTMENTS

April 18, 1985

GA 145 JILL M. KINNEY, to the position of member of the Juvenile Disposition Standards Commission, reappointed by the Governor on April 10, 1985, for the term ending November 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Owen, Thompson, Williams.

Passed to Committee on Rules.

April 18, 1985

GA 146 JUDGE JAMES ROPER, to the position of member of the Juvenile Disposition Standards Commission, appointed by the Governor on April 10,

1985, for the term ending November 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

April 18, 1985

GA 147 MARLENE SMITH, to the position of member of the Juvenile Disposition Standards Commission, appointed by the Governor on April 10, 1985, for the term ending November 2, 1987, succeeding Paul W. Peterson. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

April 18, 1985

GA 148 STAN TAYLOR, to the position of member of the Juvenile Disposition Standards Commission, appointed by the Governor on April 10, 1985, for the term ending November 2, 1987, succeeding Hunter E. John. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Owen, Thompson, Williams.

Passed to Committee on Rules.

April 18, 1985

GA 149 ROBERT D. CRUTCHFIELD, to the position of member of the Juvenile Disposition Standards Commission, appointed by the Governor on April 10, 1985, for the term ending November 2, 1987, succeeding Jay A. Reich. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Owen, Thompson, Williams.

Passed to Committee on Rules.

#### MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3654 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, Senate Bill No. 3654 was made a special order of business for 5:00 p.m. today.

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

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 348, by Committee on Ways and Means (originally sponsored by Representatives Locke, West, Armstrong, P. King and Van Luven)

Revising sentencing provisions.

The bill was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 3, chapter 137, Laws of 1981 as last amended by section 3, chapter 209, Laws of 1984 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

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

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions ((or plea of guilty)) in juvenile court if: (i) The ((guilty plea or)) conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); ((and)) (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant ((had not reached his or her twenty-third birthday)) was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Drug offense" means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)).

(12) "Escape" means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) "Felony traffic offense" means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

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

~~((+2))~~ (15) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((+3))~~ (16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((+4))~~ (18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

~~((+5))~~ (19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((+6))~~ (20) "Serious traffic offense" means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) "Serious violent offense" is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((17))~~ (23) "Sex offense" means a felony which is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or which is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((18))~~ (25) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~((and))~~ vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((18))~~ (25)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((18))~~ (25)(a) or (b) of this section.

Sec. 2. Section 4, chapter 137, Laws of 1981 as amended by section 2, chapter 192, Laws of 1982 and RCW 9.94A.040 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

~~(7) ((By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.~~

~~(8) Every two years.)~~ The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

~~((9))~~ (8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((10))~~ (9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

Sec. 3. Section 7, chapter 137, Laws of 1981 and RCW 9.94A.070 are each amended to read as follows:

~~((1))~~ At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.

~~((2))~~ Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years ~~((and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted))~~.

Sec. 4. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) ~~((and)),~~ (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine, make restitution, and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of ~~((any))~~ a sex offense other than a violation of ~~((chapter 9A.44 RCW or RCW 9A.64.020 except))~~ RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions ~~((of chapter 9A.44 RCW, RCW 9A.64.020))~~ for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is

less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recompense to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital. ~~((as determined by the secretary of the department of social and health services))~~ only if the report indicates that the offender is amenable to treatment at these facilities. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be ~~((transferred))~~ committed to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

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

- (i) Crime-related prohibitions;
- (ii) A requirement that the offender report to a community corrections officer at regular intervals; and
- (iii) A requirement to remain within or without stated geographical boundaries.

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

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

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

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

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

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

Sec. 5. Section 19, chapter 137, Laws of 1981 as amended by section 10, chapter 209, Laws of 1984 and RCW 9.94A.190 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 6. Section 2, chapter 115, Laws of 1983 as amended by section 16, chapter 209, Laws of 1984 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1  
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I	0-60 Days	0-90 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the

sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months ((6) for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1((6)) (RCW 9A.40.020))  
 (b) 18 months ((6) for Burglary 1((6)) (RCW 9A.52.020))  
 (c) 12 months ((6) for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), ~~((Delivery or Possession of a controlled substance with intent to deliver))~~ or any drug offense
- Sec. 7. Section 3, chapter 115, Laws of 1983 as amended by section 17, chapter 209, Laws of 1984 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406) <u>Leading Organized Crime (RCW 9A.82.060)</u>
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Statutory Rape 1 (RCW 9A.44.070) <del>((Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020))</del> Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) <u>Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))</u>
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020) Vehicular Homicide (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Statutory Rape 2 (RCW 9A.44.080) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) <del>((Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030))</del> <u>Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))</u> <u>Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)</u> <u>Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)</u>
VI	Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2)) Endangering life and property by explosives with no threat to human being (RCW 70.74.270) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) Incest 1 (RCW 9A.64.020(1)) Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)

- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- V Rape 3 (RCW 9A.44.060)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- IV Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.020)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run -- Injury Accident (RCW 46.52.020(4))  
Vehicular Assault (RCW 46.61.522)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Racketeering or Collection of Unlawful Debt (RCW 9A.82.080 (1) and (2))
- III Statutory Rape 3 (RCW 9A.44.090)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.030)  
Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Introducing Contraband 2 (RCW 9A.76.150)  
~~((Communicating))~~ Communication with a Minor for Immoral Purposes (RCW 9A.44.110) 9.68A.090  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- II Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Theft of Livestock (RCW 9A.56.080)  
~~((Welfare Fraud (RCW 74.08.331)))~~  
Burglary 2 (RCW 9A.52.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
~~((Auto Theft (Taking and Riding)))~~ Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
~~((Eluding))~~ Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of ~~((Bank))~~ Checks or Drafts (RCW 9A.56.060)  
False Verification for Welfare (RCW 74.08.055)  
Forged prescription for legend drug (RCW 69.41.020)  
Forged prescription for controlled substance (RCW 69.50.403)

Possess controlled substance that is a narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 8. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3  
OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
<del>(Vehicular Homicide</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>2</del>	<del>0</del>
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
<del>(Vehicular Homicide</del>	<del>0</del>	<del>1</del>	<del>1</del>	<del>0</del>	<del>0</del>
Felony Traffic	1	1	1	1	0
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
<del>(Vehicular Homicide</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>2</del>	<del>0</del>
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
<del>(Vehicular Homicide</del>	<del>0</del>	<del>1/2</del>	<del>1/2</del>	<del>0</del>	<del>0</del>

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

((Definitions: ~~Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1~~

~~Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough~~

~~Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit and Run~~

~~Felony Traffic: Felony Hit and Run, Vehicular Assault, Attempting to Elude a Police Officer~~

~~Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance))~~

Sec. 9. Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

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

The offender score is ((~~computed in the following way:~~)) the sum of points accrued under subsections (1) through (13) of this section rounded down to the nearest whole number.

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

(2) Except as provided in subsections (3) and (12) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence. Class C prior felony convictions shall not be included in the offender score if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence. Serious traffic convictions shall not be included in the offender score if the offender spent five years in the community and has not been convicted of any serious traffic or felony traffic offense since the last date of release from confinement (including full-time residential treatment) pursuant to a felony or serious traffic conviction, if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

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

((~~2~~)) (4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

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

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score;

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

(c) In the case of multiple prior convictions for offenses committed prior to July 1, 1985, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.

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

(7) If the present conviction is for a violent offense and not covered in subsection (8), (9), (10), or (11) of this section, count two points for each prior adult and juvenile violent felony

conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

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

((3)) (9) If the present conviction is for Burglary 1, count (9) convictions as in subsection ((5)) (7) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

((4)) (10) If the present conviction is for (Vehicular Homicide, only) a felony traffic offense count (the following crimes as part of the offender score:) two points for each adult or juvenile prior conviction for Vehicular Homicide (Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500)); Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), (4), or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

((6)) (11) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (7) of this section if the current drug offense is violent, or as in subsection (6) of this section if the current drug offense is nonviolent.

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

((7)) (13) If the present conviction is for Burglary 2, count priors as in subsection ((9)) (6) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

((8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.

(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.

(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.

(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (12) of this section.)

Sec. 10. Section 8, chapter 115, Laws of 1983 as amended by section 20, chapter 209, Laws of 1984 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may ~~((use))~~ rely on no more information than is admitted by the plea agreement, ~~((and))~~ or admitted ~~((to or))~~, acknowledged, or ~~proved in a trial or~~ at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The ~~((real))~~ facts shall be deemed ~~((proven))~~ proved at the ~~((evidentiary))~~ hearing by a preponderance of the evidence. ~~((Real))~~ Facts that establish the elements of ~~((a higher crime;))~~ a more serious crime~~(:)~~ or additional crimes ~~((cannot))~~ may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390.

Sec. 11. Section 10, chapter 115, Laws of 1983 as amended by section 24, chapter 209, Laws of 1984 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence~~(:)~~. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

~~((+))~~ (a) A significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

~~((+))~~ (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

~~((+))~~ (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

~~((+))~~ (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

~~((+))~~ (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

~~((+))~~ (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

~~((+))~~ (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

~~((+))~~ (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

~~((+))~~ (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

~~((+))~~ (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

~~((a))~~ (i) The current offense involved multiple victims or multiple incidents per victim;

~~((b))~~ (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

~~((c))~~ (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

~~((d))~~ (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((+))~~ (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition. The presence of ANY of the following may identify ~~((am))~~ a current offense as a major VUCSA:

~~((a))~~ (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

~~((b))~~ (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

~~((c))~~ (iii) The current offense involved the manufacture of controlled substances for use by other parties; or

~~((d))~~ The offender possessed a firearm during the commission of the offense; or

~~((e))~~ (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

~~((ff))~~ (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

~~((g))~~ (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

~~((h))~~ (e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW ~~(9.94A.400)~~ 9.94A.010.

~~(The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.)~~

Sec. 12. Section 11, chapter 115, Laws of 1983 as amended by section 25, chapter 209, Laws of 1984 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is ~~((convicted of))~~ to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as ~~((criminal history. All sentences so determined shall be served concurrently. Separate crimes))~~ if they were prior convictions for the purposes of the offender score: PROVIDED, HOWEVER, That all current offenses encompassing the same criminal conduct shall be counted as if they were one crime in determining ~~((criminal history))~~ the offender score. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's ~~((prior convictions as))~~ criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using ~~((a criminal history))~~ an offender score of zero. The sentence range for any remaining offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run ~~((consecutively))~~ concurrently with any felony ~~((sentences previously))~~ sentence which has been imposed by any court in this or another state or by a federal court~~((:))~~ subsequent to the commission of the crime being sentenced unless the court pronouncing the ~~((subsequent))~~ current sentence expressly orders that they be served ~~((concurrently))~~ consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, ~~((this))~~ that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 13. Section 15, chapter 115, Laws of 1983 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table ((13)) below for the crimes within these categories.

((TABLE 13))

#### CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

##### CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary  
 1st Degree Manslaughter  
 2nd Degree Manslaughter  
 1st Degree Extortion  
 Indecent Liberties  
 2nd Degree Statutory Rape  
 Incest  
 ((~~Negligent~~)) Vehicular Homicide  
Vehicular Assault  
 3rd Degree Rape  
 3rd Degree Statutory Rape  
 2nd Degree Extortion  
 1st Degree Promoting Prostitution  
 Intimidating a Juror  
 Communication with a Minor  
 Intimidating a Witness  
 Intimidating a Public Servant  
 Bomb Threat (if against person)  
 3rd Degree Assault  
 Unlawful Imprisonment  
 Promoting a Suicide Attempt  
 Riot (if against person)  
 CRIMES AGAINST PROPERTY/OTHER CRIMES  
 2nd Degree Arson  
 1st Degree Escape  
 2nd Degree Burglary  
 1st Degree Theft  
 1st Degree Perjury  
 1st Degree Introducing Contraband  
 1st Degree Possession of Stolen Property  
 Bribery  
 Bribing a Witness  
 Bribe received by a Witness  
 Bomb Threat (if against property)  
 1st Degree Malicious Mischief  
 2nd Degree Theft  
 2nd Degree Escape  
 2nd Degree Introducing Contraband  
 2nd Degree Possession of Stolen Property  
 2nd Degree Malicious Mischief  
 1st Degree Reckless Burning  
 Taking a Motor Vehicle without Authorization  
 Forgery  
 ((~~Welfare Fraud~~))  
 2nd Degree Perjury  
 2nd Degree Promoting Prostitution  
 Tampering with a Witness  
 Trading in Public Office  
 Trading in Special Influence  
 Receiving/Granting Unlawful Compensation  
 Bigamy  
 Eluding a Pursuing Police Vehicle  
 Willful Failure to Return from Furlough  
 Riot (if against property)  
 Thefts of Livestock  
 ALL OTHER UNCLASSIFIED FELONIES  
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
  - (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
- (a) Charging a higher degree;
  - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes

which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

**GUIDELINES/COMMENTARY:**

**Police Investigation**

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

**Exceptions**

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended:

or

- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

**Investigation Techniques**

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

**Pre-Filing Discussions with Defendant**

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 14. Section 7, chapter 14, Laws of 1975 1st ex. sess. as amended by section 4, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.070 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except ~~((for the purpose of commitment to an inpatient treatment facility))~~ under RCW 9.94A.120(7).

Sec. 15. Section 14, chapter 17, Laws of 1984 and RCW 10.98.140 are each amended to read as follows:

(1) The section, the department, and the corrections standards board shall be the primary sources of information for criminal justice forecasting. The information maintained by these agencies shall be complete, accurate, and sufficiently timely to support state criminal justice forecasting.

(2) The sentencing guidelines commission shall keep records on all sentencings above or below the standard range defined by chapter 9.94A RCW. As a minimum, the records shall include the name of the offender, the crimes for which the offender was sentenced, the name and county of the sentencing judge, and the deviation from the standard range. Such records shall be made available to public officials upon request.

Sec. 16. Section 9, chapter 155, Laws of 1979 as last amended by section 1, chapter 43, Laws of 1984 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the

juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 17. Section 3, chapter 104, Laws of 1967 as last amended by section 64, chapter 136, Laws of 1981 and RCW 71.06.091 are each amended to read as follows:

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. ~~(The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or transferred to the department of corrections to serve the original sentence imposed upon him. The power of the court to grant conditional release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95-RCW.)~~ The court may release such person only if release is the recommendation of the superintendent. The court shall commit the person to the department of corrections to serve the original sentence imposed upon him if any recommendation or opinion other than release is received from the superintendent. When the sexual psychopath has entered upon the conditional release, the ~~((state board of prison terms and paroles))~~ department of corrections shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: PROVIDED, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 115, Laws of 1983 and RCW 9.94A.300; and

(2) Section 12, chapter 115, Laws of 1983, section 26, chapter 209, Laws of 1984 and RCW 9.94A.410.

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.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

## MOTION

Senator Halsan moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 6, after line 21 of the amendment, insert the following:

"Sec. 3. Section 6, chapter 137, Laws of 1981 as amended by section 10, chapter 287, Laws of 1984 and RCW 9.94A.060 are each amended to read as follows:

(1) The commission consists of fifteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management, as an ex officio member;

(c) Until July 1, 1988, the chairman of the board of prison terms and paroles, as an ex officio member, and thereafter the chairman of the clemency and pardons board, as an ex officio member;

(d) Two prosecuting attorneys;

(e) Two attorneys with particular expertise in defense work;

(f) Four persons who are superior court judges;

(g) One person who is the chief law enforcement officer of a county or city;

(h) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years. After the effective date of this 1985 act, vacancies shall be filled by the governor so as to guarantee that the membership of the commission is representative of the various geographical areas of the state.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with RCW 43.03.250."

Renumber the remaining sections consecutively and correct any internal references accordingly.

## POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would challenge this amendment on the basis it expands the scope and object of House Bill 348. The bill adopts the recommendation of the Sentencing Guidelines Commission which has to do with sentencing, et cetera. It has nothing to do with the make-up of that Commission. This amendment and the ones that follow have everything to do with the make-up of that Commission. Now, I'm not saying that I'm opposed to that, but it is beyond the scope and object of this bill and I think should be the subject of another piece of legislation."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Second Substitute House Bill No. 348 was deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 58, by Representatives P. King, West and Wang

Modifying procedures for making arbitration awards.

The bill was read the second time.

## MOTIONS

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

On page 2, line 19, strike "majority" and insert "~~(majority--)~~ two-thirds or greater"

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 58, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 58, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 58, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Patterson, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Garrett, Guess, Hayner, Metcalf, Owen, Pullen, Rasmussen, Sellar, Stratton - 9.

Absent: Senator McCaslin - 1.

Excused: Senators Barr, Moore - 2.

ENGROSSED HOUSE BILL NO. 58, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE JOINT RESOLUTION NO. 23, by Representative Tanner

Authorizing ad valorem taxing districts for public improvements.

The resolution was read the second time.

## MOTION

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

Beginning on page 1, line 1, strike all material through "state." on page 3, line 13 and insert the following:

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the state Constitution by adding a new section to read as follows:

Article VII, section . . . . . Notwithstanding any provision of this Constitution, the legislature may by general law for the purpose of permitting special financing of public improvements authorize the legislative authority of any county, city, or town to create boundaries, within its jurisdiction, containing only that real property which the legislative authority determines will be increased in true and fair value by reason of specified public improvements within those boundaries. The legislature may further provide that all or a portion of the property taxes levied within those boundaries against increases in the true and fair value of such real property may be used to pay for the specified public improvements or to pay public obligations incurred to fund the specified public improvements. Any such public obligations payable solely from revenues from these public improvements and such property taxes levied against the increases in real property value shall not constitute general indebtedness.

For purposes of this section, "property taxes" means:

(1) Property taxes subject to the aggregate limitation on tax levies by the state and all taxing districts in section 2 of this Article; and

(2) Property taxes levied by port districts and public utility districts, except for property taxes levied specifically for the purpose of making required payments of principal and interest on general indebtedness.

Nothing in this section authorizes the provision of public improvements which counties, cities, and towns may not otherwise provide.

Nothing in this section authorizes a county, city, or town to exercise powers of eminent domain contrary to the provisions of Article I, section 16.

Nothing in this section authorizes a county, city, or town to pledge all or part of its full faith and credit without complying with the laws relating to the incurring of general indebtedness, including Article VIII, section 1 and Article VIII, section 6, or to aggregate tax levies in excess of the limitation on levies in section 2 of this Article.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

#### MOTIONS

On motion of Senator Pullen, the following amendment by Senators Pullen, Rasmussen, Metcalf, McCaslin and Zimmerman to the Committee on Governmental Operations amendment was adopted:

On page 1, line 29 of the committee amendment, after "jurisdiction," insert: "after such legislative authority conducts a public hearing."

Senator Pullen moved that the following amendment by Senators Pullen, Rasmussen, Metcalf, McCaslin and Zimmerman to the Committee on Governmental Operations amendment be adopted:

On page 2, after line 27 of the committee amendment, insert the following:

"For the purposes of this section, "public improvements" means: (1) Capital projects that benefit the public at large and do not discriminate against any citizen on the basis of race, national origin, color, sex, age, economic status, or the presence of any sensory, mental or physical handicap."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Rasmussen, Metcalf, McCaslin and Zimmerman to the Committee on Governmental Operations amendment.

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Metcalf moved the following amendment by Senator McCaslin to the Committee on Governmental Operations amendment be adopted:

On page 1, line 34 of the committee amendment, after "boundaries," insert:

"In no event shall any property tax assessment be increased for any real property lying outside of the boundaries referred to above if the increase would be attributable to the specified public improvements authorized by this section but such real property shall be assessed always at current market value, nor shall any portion of property taxes for real property lying outside of said boundaries be used to pay for the specified public improvements or public obligations authorized by this section."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McCaslin to the Committee on Governmental Operations amendment.

The motion by Senator Metcalf carried and the amendment by Senator McCaslin to the committee amendment was adopted on a rising vote.

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

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

#### MOTION

On motion of Senator Thompson, the rules were suspended, House Joint Resolution No. 23, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "Senator McDonald, I didn't hear the reference. You made some reference to some page and I was trying to figure out what you were reading from?"

Senator McDonald: "If you look at page 2, line 37, through page 3, line 8, what you'll find is that it may be the revenues from the tax increment that you get from

the redevelopment that takes place, but it's not necessarily so. In fact, what it says is that you can have a GO bond and those GO bonds are obligated by the same things that any other bonds are and consequently there is no assurance whatsoever that it's only the tax increment that is going to pay back those bonds."

Senator Goltz: "Senator McDonald, if you would look, also, on page 2, starting with line 8--where it refers to the public obligation--it says, 'Any such public obligation payable solely from revenues from these public improvements and such property taxes levied against the increases in real property values shall not constitute general indebtedness.' I think that is truly a protection against the kind of general obligation you're fearful of."

Senator McDonald: "Senator Goltz, if I wasn't aware of the evolution of this bill, then I guess I would probably agree with you, but I remember when we wanted to make these revenue bonds only. That wasn't acceptable. Representative Flannigan, then, decided that we could have it with a fifty percent vote by the people and then you could go into a general obligation bond. That was then evolved. The next time we saw this before us in 1983--we wiped the provision out completely and that's the evolution of why we have page 2, line 37 through line 8 on page 3."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 23, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 23, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogt, Warnke, Wojahn, Zimmerman - 33.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Hansen, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Williams - 15.

Excused: Senator Moore - 1.

HOUSE JOINT RESOLUTION NO. 23, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1077, by Committee on Ways and Means (originally sponsored by Representatives Niemi, Lewis, Holland, J. King, Leonard, Cole, R. King, Winsley and Wineberry) (by Governor Gardner request)

Implementing procedures to control and monitor health care costs.

The bill was read the second time.

#### MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known as the state health care purchasing reform act of 1985.

NEW SECTION, Sec. 2. The legislature finds that the rising increase in health costs for public employees and persons within the state's care is a major public policy concern and that unless addressed through specific statutory direction adequate health care will not be attainable through the expenditure of public funds. The legislature further finds that prevalent methods of health care delivery and cost reimbursement are often inefficient and wasteful.

It is therefore essential that effective cost control programs be established. It is the intent of the legislature to control costs of state purchased health care while maintaining an adequate level of care; promote wellness; encourage the development of managed health care systems and other systems that have been effective in controlling costs; place within one authority the responsibility and power to control cost while insuring adequate care; and place the state of Washington in a leadership position in cost containment. It is also the legislative intent that cost control procedures be implemented by all state agencies that purchase or provide health care.

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

(1) "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 state employees insurance board, the department of labor and industries, the department of corrections, and the department of veterans affairs.

(2)(a) "Managed health care" for the purposes of this chapter means a system which shall include these components:

(i) Provision of insurance and responsibility for delivery of care through the same organization;

(ii) A comprehensive range of services either directly or on contract with other providers;

(iii) Control of utilization through identified management intervention points;

(iv) A data collection system that includes, as a minimum, utilization data on all clients and quality of care review; and

(v) Financial risk to the provider organization.

(b) It may as an option also include the following:

(i) A mechanism to resolve complaints;

(ii) Incorporation of health promotion activities as a regular part of medical care;

(iii) Membership education regarding appropriate use of facilities and services;

(iv) Quality of care reviews, utilization review, and peer review; and

(v) Financial incentives to the consumer to control costs.

NEW SECTION, Sec. 4. (1) There is hereby created a unit within the office of financial management which shall have the following powers and duties:

(a) To adopt guidelines for acceptable state purchased health care programs which will accomplish the purposes of this chapter;

(b) To review periodically all agency practices for purchasing health care to ensure compliance with health care guidelines;

(c) To coordinate the activities of all state agencies with respect to health care cost containment policies;

(d) To explore new ways to control cost while maintaining adequate levels of care;

(e) To submit to the legislature by January 7, 1987, legislation that is necessary to streamline health care purchasing procedures and remove unnecessary barriers, including but not limited to state contracting procedures;

(f) To coordinate and encourage efforts by state agencies to establish proven health promotion and disease and accident prevention efforts within state-purchased health care programs including, but not limited to education, monitoring, and counseling of consumers on effective methods to minimize illness;

(g) To ensure coordination of the development and maintenance of appropriate health care information systems by all state agencies purchasing or providing health care, to the fullest extent possible using existing data systems, that include:

(i) Common definitions of health care services;

(ii) Health care data elements common to all agencies;

(iii) Health care data elements unique to any agency;

(iv) The capability to monitor the number of persons for whom services are purchased or provided, the types of services or benefit packages provided or purchased, and the unit costs to the state;

(v) Mechanisms for thorough program and budget review; and

(vi) Preparing, on the basis of data available from state agencies, and submitting to the legislature by September 1 of each even-numbered year, biennial and long-term projections for total health care costs assuming no changes in current programs, and recommendations to reduce the costs of those programs;

(h) To establish procedures for volume purchasing of health care goods and equipment; and

(i) To appoint a technical advisory committee that represents state employees, state agencies, and others with technical expertise who are involved in the direct purchase, funding, or provision of health care.

(2) All state agencies shall cooperate in assisting the unit to implement the provisions of this chapter.

(3) The hospital commission, the health planning and certificate of need sections of the department of social and health services, the board of health, department of licensing, health care facilities authority, and the office of the insurance commissioner shall each submit a report to the legislature and the governor by November 30, 1986.

The report shall describe the respective roles of these agencies regarding health care cost containment and their accomplishments over the preceding six years, and shall address ways to increase the efficiency of these agencies to control costs and maintain quality of care.

(4) The unit shall have an administrator who, along with one other employee, shall be exempt from civil service law, chapter 41.06 RCW.

**NEW SECTION.** Sec. 5. (1) The state employees' insurance board, the department of social and health services, the department of labor and industries, the department of veterans affairs, and the department of corrections shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of and may establish a drug formulary designating which drugs may be paid for through the respective health care programs. For purposes of this section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and

(f) May take other necessary measures to control costs of drugs without reducing the quality of care.

(3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section.

(5) Agencies shall report to the unit on the requirements in this section by November 30, 1986.

Sec. 6. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 255, Laws of 1977 ex. sess. and RCW 28A.58.420 are each amended to read as follows:

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. The board of directors may contract with the state employees' insurance board to provide coverage under chapter 41.05 RCW. Such coverage may be provided by contracts with private carriers, self-insurance, or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law.

Whenever funds shall be 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. 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. 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.

Sec. 7. Section 1, chapter 106, Laws of 1975-'76 2nd ex. sess. 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 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 program administered under chapter 41.05 RCW should be made; PROVIDED, That this section shall have no application to ((school district personnel provided for in RCW 28A.58.420 and) 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 the effective date of this 1985 act 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 employees' insurance board, as defined in RCW 41.05.010 (~~as now or hereafter amended~~), 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 employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for.

Sec. 8. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 68, chapter 287, Laws of 1984 and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board.

The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by

the board. Active employees, as defined in RCW 41.05.010(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(5) (a) The state employees' insurance board may self-fund or self-insure programs under its jurisdiction, except property and casualty insurance authorized under subsection (4) of this section. The board may contract for payment of claims or other administrative services including the purchase of excess loss liability insurance for programs under its jurisdiction. If programs under the jurisdiction of the board do not require the prepayment of reserves the board shall establish that such reserves be maintained for the payment of claims as are normally required for that method of providing that type of insurance. Reserves established by the board shall be held in respective separate trust accounts of the state employees' insurance fund as established by RCW 41.05.040 by the state treasurer.

(b) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide conversion rights in accordance with RCW 48.21.260.

(c) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide coverage as required by RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.150, 48.21.155 and 48.21.180.

(d) Group disability coverage provided as a self-insured program of the state employees' insurance board shall conform with the requirements of RCW 48.21.200 (1) and (2).

(e) The state employees' insurance board shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions and affairs of any program created under this subsection (5).

(f) Members of the board shall be deemed to stand in a fiduciary relationship to the employees covered by any insurance program created under this subsection (5) and shall discharge the duties of their respective positions in good faith and with that diligence, care and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(6) The state employees' insurance board shall file an annual report of the financial condition, transactions and affairs of any program under the board's jurisdiction. The report shall also contain actuarial information regarding the adequacy of the reserves established for the type of insurance being offered. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, and the office of the state auditor. The statement shall be signed by a member of the American Academy of Actuaries certifying that the actuarial amounts are computed in accordance with commonly accepted actuarial standards; and include all actuarial reserves and related statement items required for the sound operation of any employee benefits program.

(7) Premium rates for health care benefit plans made available to school district or educational service district employees may be based on the actual claims experience of those employees.

Sec. 9, Section 4, chapter 39, Laws of 1970 ex. sess. as amended by section 3, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.040 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "state employees' insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends, reserves, and refunds, ((and)) for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board, and for payments authorized by RCW 41.05.025(5) and 41.05.030(2). Moneys from the state employees' insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee.

(2) The state treasurer and the state investment board may invest moneys in the state employees' insurance fund. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The state employees' insurance board shall determine whether the state treasurer or the state investment board or both shall invest moneys in the

state employees' insurance fund. Except as provided for in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the state employees' insurance fund and the separate accounts which may be created under RCW 41.05.025.

Sec. 10. Section 9, chapter 2, Laws of 1983 as last amended by section 1, chapter 107, Laws of 1984 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, ~~((That provision for school district personnel shall not be made under this chapter: PROVIDED FURTHER.))~~ That insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(3) The trustee with the assistance of the department of personnel shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 11. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 2, chapter 242, Laws of 1981 and RCW 43.84.090 are each amended to read as follows:

Except as provided in RCW 41.05.040, twenty percent of all income received from such investments shall be deposited in the state general fund.

Sec. 12. Section 19, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.180 are each amended to read as follows:

(1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Except as provided in RCW 41.05.025(3), each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: PROVIDED, That unless at least twenty-five employees agree to participate in a health maintenance organization the employer need not provide such an option: PROVIDED FURTHER, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: AND PROVIDED FURTHER, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees.

**NEW SECTION.** Sec. 13. A new section is added to chapter 51.44 RCW to read as follows:

The department of labor and industries shall establish, on an ongoing basis, a review of methods to be used to obtain savings in health care costs and also an analysis of all optional systems considered by the department to control costs, including establishing a managed health care system approach for the provision of health care services, which would include making available to injured workers preferred provider arrangements, health maintenance organizations, or other managed health care or case management systems. This shall include an analysis of the constraints of establishing the system under Title 51 RCW and shall also consider incentives to encourage injured workers to use the system. The department shall prepare any legislation necessary to implement this or other strategies it may recommend to the legislature to effect these savings.

**NEW SECTION.** Sec. 14. The director of labor and industries shall submit to the legislature no later than January 1, 1986, a report that will propose methods to incrementally reduce the projected expenditures of the medical aid fund up to twenty percent for the period of July 1, 1986, to June 30, 1987. With each proposed incremental reduction, the report shall include: Methods of obtaining the reduction; effects upon injured workers; effects upon the service provider; and drafts of any legislation necessary to implement the reductions.

**NEW SECTION.** Sec. 15. By January 1, 1986, a select committee of the legislature shall, in a manner deemed appropriate and efficient, conduct a study of Washington state's certificate of need statute and operations thereunder. The select committee shall be composed of ten members of the legislature, five appointed by the speaker of the house of representatives and five appointed by the president of the senate upon recommendation of the majority and minority caucuses of their respective bodies. The committee shall elect a chair and such other officers from among its membership and may appoint a technical advisory committee to assist in the discharge of its duties.

Sec. 16. Section 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080 are each amended to read as follows:

All fees and medical charges under this title shall conform to regulations promulgated by the director. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by persons entitled to the care. With respect to workers admitted as hospital inpatients on or after the effective date of this section, the director shall pay for inpatient hospital services on the basis of diagnosis-related groups as defined in RCW 70.39.020.

Sec. 17. Section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020 are each amended to read as follows:

There shall be, in the (~~office of the~~) state (~~treasurer~~) treasury, a fund to be known and designated as the "medical aid fund(;;)," disbursements from which shall be made pursuant to appropriation except as provided in RCW 51.44.110.

Sec. 18. Section 51.44.110, chapter 23, Laws of 1961 as last amended by section 68, chapter 350, Laws of 1977 ex. sess. and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the department and disbursements out of the medical aid fund shall be made only pursuant to appropriation. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money appropriated in the fund on which any such warrant is drawn wherewith to pay the same, the warrant shall be paid out of the unappropriated portion of the fund. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose worker it was that the warrant was drawn shall pay the same, and he or she shall be credited upon his or her next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he or she shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. If disbursements are made out of the unappropriated portion of the fund pursuant to this section, then the director shall make a full accounting to the legislative budget committee.

Sec. 19. Section 43.88.180, chapter 8, Laws of 1965 as amended by section 8, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.180 are each amended to read as follows:

Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, (~~medical aid fund~~) retirement system fund, Washington state patrol retirement fund and

unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

**NEW SECTION.** Sec. 20. Not later than December 1, 1986, the director of labor and industries shall provide to the committees on ways and means of the senate and house of representatives and the committees on commerce and labor of the senate and house of representatives a progress report on health care cost containment in the industrial insurance program. The report shall include:

(1) A description of the inpatient hospital rate structure planned to meet the requirement of section 16 of this act;

(2) A plan for improved health care cost containment in the industrial insurance program to meet the director's duty to function as a prudent purchaser of health care under section 16 of this act;

(3) An estimate of the amount of the appropriation from the medical aid fund that will be needed to meet the requirements of chapter 51.44 RCW during the fiscal biennium beginning July 1, 1987, and ending June 30, 1989;

(4) Any proposals for legislative action the director deems appropriate to further the goal of prudent purchase of health care without unduly restricting access to necessary care by covered workers; and

(5) Such other information as the director deems appropriate.

**NEW SECTION.** Sec. 21. A new section is added to chapter 74.09 RCW to read as follows:

In addition to its existing managed health care programs the department shall develop plans for two managed health care programs, one in the eastern part and one in the western part of the state. The plan shall include measures to ensure enrollment of at least five thousand medical assistance enrollees in each program, in addition to the number enrolled in managed health care programs as of June 30, 1985. The department shall report to the legislature no later than January 1, 1986, on the development of the plan.

Sec. 22. Section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 21, chapter 288, Laws of 1984 and RCW 70.38.105 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.39.020;

(c) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure by or on behalf of a health care facility which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), (e), (f), or (g) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(f) Acquisition of major medical equipment((:

(f) If the equipment will be owned by or located in a health care facility; or

(ii) if, after January 1, 1981, the equipment is not to be owned by or located in a health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital inpatients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition) if the equipment is not in operation before March 31, 1985. This subsection shall apply retroactively to the acquisition of all major medical equipment not in operation before March 31, 1985.

(g) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and

(h) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 23. Section 18, chapter 177, Laws of 1980 as last amended by section 147, chapter 7, Laws of 1985 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective(;) audited(;) allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 24. Section 68, chapter 177, Laws of 1980 and RCW 74.46.680 are each amended to read as follows:

(1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department ~~((thirty))~~ sixty days' written

notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in RCW 74.46.660 and shall submit a projected budget in accordance with RCW 74.46.670 no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

Sec. 25. Section 69, chapter 177, Laws of 1980 as amended by section 36, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.690 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. ~~((Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final cost report, an audit has been completed by the department, and final settlement has been determined, such settlement not to exceed ninety days following completion of the audit process.~~

~~(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.~~

~~(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:~~

~~(a) Be in an amount equal to the released payment;~~  
~~(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;~~

~~(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and~~

~~(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.~~

~~(4)) (2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.~~

~~(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:~~

~~(a) Withheld payments due the contractor; or~~  
~~(b) A surety bond issued by a bonding company acceptable to the department; or~~  
~~(c) An assignment of funds to the department; or~~  
~~(d) Collateral acceptable to the department; or~~  
~~(e) A purchaser's assumption of liability for the prior contractor's overpayment; or~~  
~~(f) Any combination of (a), (b), (c), (d), or (e) of this subsection.~~

~~(4) A surety bond or assignment of funds shall:~~  
~~(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;~~

~~(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;~~

~~(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute;~~

~~(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and~~

~~(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall~~

be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and ~~((payment for the final thirty days will not be withheld))~~ security shall not be required.

Sec. 26. Section 4, chapter 177, Laws of 1980 as amended by section 1, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31 ~~((+1982, and))~~ of each year ~~((thereafter))~~, each contractor shall submit to the department an annual cost report ~~((, and such financial statements as are required by this chapter,))~~ for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report ~~((, and financial statements as are required by this chapter,))~~ for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with a report due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

Sec. 27. Section 5, chapter 177, Laws of 1980 and RCW 74.46.050 are each amended to read as follows:

If ~~((either))~~ the cost report ~~((or the financial statements are))~~ is not properly completed or if ~~((they are))~~ it is not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report ~~((and financial statements are))~~ is properly completed and received.

Sec. 28. Section 6, chapter 177, Laws of 1980 as amended by section 2, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined by the department, which shall provide for ~~((financial statements,))~~ an itemized list of allowable costs ~~((;))~~ and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) ~~((All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.~~

~~((3)))~~ The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report ~~((and the financial statements)).~~

Sec. 29. Section 8, chapter 177, Laws of 1980 as amended by section 3, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports ~~((and financial statements)),~~ as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. All records supporting the cost reports and financial statements filed with the

department before the effective date of this 1985 act shall be retained by the contractor for four years following their filing.

The department may direct ~~((such))~~ supporting records to be retained for a longer period if there remain unresolved questions on the cost reports ~~((and financial statements))~~. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health and human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 30. Section 9, chapter 177, Laws of 1980 and RCW 74.46.090 are each amended to read as follows:

The department will retain the required cost reports ~~((and financial statements))~~ for a period of one year after final settlement, or the period required under ~~((the provisions of))~~ chapter 40.14 RCW, whichever is ~~((greater))~~ longer.

Sec. 31. Section 10, chapter 177, Laws of 1980 as amended by section 4, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.100 are each amended to read as follows:

The principles inherent within RCW 74.46.105 and 74.46.130 are:

(1) To ascertain, through department audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through department audits of the cost reports, that cost reports properly reflect the financial ~~((statements))~~ records of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through department audit that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through department audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

Sec. 32. Section 5, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.105 are each amended to read as follows:

Cost reports ~~((financial and statistical records))~~ and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, ~~((financial and))~~ statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year 1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three-year period.

(3) Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

Sec. 33. Section 13, chapter 177, Laws of 1980 as amended by section 7, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.130 are each amended to read as follows:

(1) For the requirements of RCW 74.46.105, the contractor shall be notified by the department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report (~~(and financial statements))~~) and patient trust funds; and

(b) Prepare reconciliation of the cost report (~~(and financial statements))~~) with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report (~~(and financial statements))~~).

(2) To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors. The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.

Sec. 34. Section 16, chapter 177, Laws of 1980 as amended by section 9, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.160 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's (~~(financial statements and)~~) cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 35. Section 23, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.475 are each amended to read as follows:

(1) The department shall analyze the submitted cost report (~~(and financial statements))~~) of each contractor to determine if the information is correct, complete, and reported in conformance with generally accepted accounting principles, the requirements of this chapter and such rules and regulations as the secretary may adopt. If the analysis finds that the cost report (~~(or financial statements are)~~) is incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports (~~(and financial statements))~~) for use in:

(a) Exception profiling; and

(b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

Sec. 36. Section 82, chapter 177, Laws of 1980 as amended by section 41, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.820 are each amended to read as follows:

(1) Cost reports and their final audit reports shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, (~~(financial statements))~~ cost report schedules showing information on rental or lease of assets, the facility or corporate balance sheet, schedule of changes in financial position, statement of changes in equity-fund balances, notes to financial statements, and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

Sec. 37. Section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department~~(- economic trends and conditions, and/or administrative review provided by RCW 74.46.700 and)~~. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 38. Section 2, chapter 177, Laws of 1980 as amended by section 1, chapter 117, Laws of 1982 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction

having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power:

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((26))~~ (27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((27))~~ (28) "Net book value" means the historical cost of an asset less accumulated depreciation.

((28)) (29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

((29)) (30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

((30)) (31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

((31)) (32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

((32)) (33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

((33)) (34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

((34)) (35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

((35)) (36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

((36)) (37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

((37)) (38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

((38)) (39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

((39)) (40) "Secretary" means the secretary of the department of social and health services.

((40)) (41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

Sec. 39. Section 53, chapter 177, Laws of 1980 as last amended by section 28, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.530 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW

74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease that was in effect on January 1, 1980.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 40. Section 42, chapter 177, Laws of 1980 as amended by section 18, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.420 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis:

(2) The legislature finds that rates established in accordance with this chapter ~~((shall be))~~ are reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services which meet the needs of a medical care

recipient in compliance with applicable standards, and that such rates comply with the requirements of 42 U.S.C. 1396a(13)(A) and other applicable provisions of Title 19 of the federal social security act; and

(3) The rates so established will be adjusted for economic conditions and trends in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

NEW SECTION. Sec. 41. Section 52, chapter 177, Laws of 1980, section 148, chapter 7, Laws of 1985 and RCW 74.46.520 are each repealed.

NEW SECTION. Sec. 42. Sections 23 through 41 of this act shall not be construed as affecting any existing right acquired or any obligation or liability incurred under the statutes amended or repealed by those sections or any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 43. A new section is added to chapter 43.131 RCW to read as follows:

The state health care purchasing unit and its powers and duties shall be terminated on June 30, 1991, as provided in section 44 of this act.

NEW SECTION. Sec. 44. 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, 1992.

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act; and
- (5) Section 5 of this act.

NEW SECTION. Sec. 45. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 46. The legislature finds that:

(1) A substantial percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(2) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and often results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state;

(3) The use of managed health care systems, as defined in section 2 of this act, has significant potential to reduce the growth of health care costs incurred by the people of this state, and low-income pregnant women are an especially vulnerable population, along with their children, who need greater access to managed health care; and

(4) As declared in RCW 70.39.010, health care is a right of the people and one of the primary purposes for which governments are established.

The purpose of this chapter is to establish a program providing access to affordable basic health care for low-income persons through the use of managed health care systems. This chapter is intended to establish an appropriate mechanism that will foster the entrepreneurial abilities of health care providers in many communities to join together in helping to address a significant portion of that unmet need for access to affordable health care that exists among the residents of the state and in almost every community. The legislature intends that the program be designed and operated in a fiscally prudent manner within the funds appropriated from the basic health plan account established in this chapter, and that the program emphasize primary and preventive health care services while also covering necessary hospitalization.

NEW SECTION. Sec. 47. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health plan board created under section 48 of this act.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, to a defined patient population by enrollment in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and dependent children, all under the age of sixty-five, who reside in the state, whose gross family income at the time of enrollment does not exceed twice the federal nonfarm poverty level as adjusted for family size and determined annually by the federal office of management and budget, who choose to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board, and who, at the time of enrollment, are not eligible for medical coverage under chapter 74.09 RCW and do not have access to employer-sponsored health care coverage.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the trust account, to a managed health care system on

behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 53(2) of this act.

**NEW SECTION, Sec. 48.** The basic health plan trust account is hereby established in the state treasury. All revenues received under sections 64, 65, and 66 of this act shall be deposited in the basic health plan trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board created in section 49 of this act. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1987, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the revenues anticipated to accrue to the account during the fiscal period.

**NEW SECTION, Sec. 49.** There is hereby created a Washington basic health plan board, which shall be a separate and independent board of the state. For efficiencies in operation and consultation, the offices of the board shall be co-located with those of the hospital commission. The board shall be composed of nine members appointed by the governor, as follows:

- (1) One member representing hospitals, as defined in RCW 70.41.020.
- (2) Two members representing individual health care professionals licensed under Title 18 RCW, at least one of whom shall be a physician.
- (3) Two members representing the health care insurance industry and possessing actuarial experience or expertise or experience in health care financing and/or benefit design, who may be associated with health care service contractors or commercial health insurers registered and doing business in the state under Title 48 RCW.
- (4) One member representing labor, who is an active trustee of a union-sponsored health care fund.
- (5) One representative of private employers who provide or purchase health care benefits for employees.
- (6) Two representatives of consumers, at least one of whom represents the interests of low-income persons.

The governor shall designate one of the members designated in subsections (5) and (6) of this section to serve as chairman. At least two of the three members designated in subsections (1) and (2) of this section shall be persons actively engaged in rendering health care services through a managed health care system. No member designated in subsection (3), (4), (5), or (6) of this section shall have any fiduciary obligation to any health care provider or facility, or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms: PROVIDED, That of the members initially appointed after the effective date of this act, three shall be appointed to four-year terms, two to three-year terms, two to two-year terms, and two to one-year terms. Appointments shall require senate confirmation. No member of the board shall serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

**NEW SECTION, Sec. 50.** Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Five members of the board shall constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless five members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION, Sec. 51.** The board shall employ a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The executive director, medical director, and up to three other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit. The board may create committees from its membership, and may appoint such ad hoc advisory committees as it deems necessary.

The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

**NEW SECTION, Sec. 52.** The board may promulgate and adopt, under chapter 34.04 RCW, regulations consistent with this chapter to carry out the purposes of this chapter.

**NEW SECTION, Sec. 53.** The board shall have the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for periodic payments to the board. The schedule of services shall emphasize preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080. No major professional service may be included in the schedule until legislation is enacted imposing a tax or other assessment, to be deposited in the basic health plan trust account, upon the class of providers or practitioners by whose members that professional service is to be performed.

(2) To design and implement a structure of periodic payments due from enrollees. The payment structure shall be based upon enrollee family size and shall include a sliding scale whereby payments shall vary according to enrollee family income. The structure shall be designed so as to include payment amounts for enrollment of children without requiring enrollment of their parents. The board shall not enroll such numbers of enrollees who qualify for subsidies as might reasonably be expected to result in an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close all enrollment in the plan until the board finds the danger no longer exists. Payments to the board by the department of social and health services on behalf of any person eligible for medical coverage under chapter 74.09 RCW, subject to section 58 of this act, shall not be less than the payments the board makes to managed health care systems for coverage of those persons.

(3) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available through the plan to prospective enrollees living in all areas of the state and, where possible, from among a selection of participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems, and in its dealings with such systems the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several communities of the state.

(4) To receive periodic payments from enrollees, deposit the payments in the basic health plan operating account, keep records of enrollee payments and status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(5) To accept applications from individuals, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for reduced sliding scale payments that will be the responsibility of the enrollee. An enrollee who remains current in making periodic sliding-scale payments, as determined by the board under subsection (2) of this section, may continue enrollment if the enrollee's gross family income rises above twice the federal nonfarm poverty level, but shall then make payment at the maximum rate established in the sliding fee schedule. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds two hundred percent of the federal nonfarm poverty level.

(6) To require that prospective enrollees who may be eligible for medical coverage under chapter 74.09 RCW apply for such coverage.

(7) To determine, on a community rating basis, the amount of each periodic per capita or per family payment to a participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for all enrollees, the periodic per capita or per family payments to participating managed health care systems may vary among the systems. In negotiating payment levels with participating systems the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area or community, and other factors the board finds relevant.

(8) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic reports on health care services rendered to enrollees, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(9) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

NEW SECTION. Sec. 54. The benefits available under the plan shall be subject to the provisions of RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee which provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 55. On and after July 1, 1986, enrollees whose payments to the board are current shall be entitled to receive covered basic health care services as defined by the board from the respective managed health care systems in which they are enrolled. Before January 1, 1987, the board may not enroll more than thirty thousand individuals who are eligible for subsidies. Before January 1, 1987, the board shall endeavor to secure participation agreements with managed health care systems in not more than twelve areas of the state, including urban, suburban and rural areas, and to the extent possible with a mixture of public hospitals, community clinics, cities and counties, nonprofit hospitals, and health care professionals engaged in independent practice. The board shall endeavor to secure participation agreements with managed health care systems in each of the congressional districts of the state. The board shall closely monitor growth patterns so as not to exceed that consistent with the orderly development of the plan.

NEW SECTION. Sec. 56. Any enrollee whose payments to the board are delinquent may be dropped from enrollment status. The board shall make reasonable efforts to notify delinquent enrollees of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, when applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 57. Managed health care systems participating in the plan shall do so by contract with the board and, on and after July 1, 1986, shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. Subject to board approval and with full disclosure to enrollees and prospective enrollees, a managed health care system may impose nominal copayments upon enrollees as an incentive for proper utilization of services. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than copayments authorized under this section, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care systems the board shall endeavor to establish a uniform period for such opportunity.

Prior to negotiating with any managed health care system the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board shall, before executing any initial or renewal contracts, be assured that adequate enrollee protection and continuity of care measures are in place, and the full schedule of services can be provided any enrollee;

(4) The board may then select one and preferably more than one system to provide the covered services under the plan within a specific geographic area; and

(5) The board may adopt a policy that gives preference to systems substantially supported by public revenues or involving public agencies.

**NEW SECTION.** Sec. 58. Any enrollee who, after enrollment in the plan, becomes eligible for medical assistance or medical care services under chapter 74.09 RCW may continue as a plan enrollee, and shall so continue if the enrollee's minimum enrollment period, if any, has not expired. If the enrollee continues enrollment in the plan under this section, the department of social and health services shall make periodic payments to the plan on the enrollee's behalf, at the maximum rate established in the sliding fee scale, for the services covered by the plan; PROVIDED, That with respect to enrollees eligible for medical assistance under RCW 74.09.510, the periodic amount payable to the plan shall not be greater than the amount with respect to which full federal financial participation is available under title XIX of the federal social security act. Any enrollee on whose behalf the department of social and health services makes payments to the plan under this section and chapter 74.09 RCW may continue as an enrollee, making periodic payments based on his own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

**NEW SECTION.** Sec. 59. In addition to the powers and duties specified in sections 51 and 53 of this act, the board shall have the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With health care service contractors registered under RCW 48.44.015 and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance; PROVIDED, That any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

(4) With any public hospital district established under chapter 70.44 RCW or with any county or city, to administer the plan as the board's agent with respect to enrollees residing and managed health care systems serving the geographic area within the boundaries of the district, county, or city; PROVIDED, That the district, county, or city shares with the board, on a dollar for dollar matching basis, the cost of payments to participating managed health care systems for coverage of enrollees residing within the boundaries of the district, county, or city less the amounts payable by enrollees to the district, county, or city as agent for the board. In the event a hospital district, county, or city provides the board with adequate assurances of its ability to administer the plan for potential enrollees residing within its jurisdiction and agrees to share in the cost of any subsidy required for enrollees under the schedule for sliding scale payments, and the board has agreements for participation with a managed health care system or systems within the boundaries of such district, county, or city, and with the approval of the legislature, the plan may commence operations in that jurisdiction on or after March 30, 1986 notwithstanding the implementation dates in sections 55 and 57 of this act.

(5) With any community health center or other public or private nonprofit health care provider participating in a managed health care system under the plan and demonstrating financial need, to furnish direct financial assistance in meeting the start-up costs of providing covered basic health care services under the plan, for a period not exceeding one year after the managed health care system commences coverage of enrollees.

**NEW SECTION.** Sec. 60. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, shall be exempt from the provisions and requirements of Title 48 RCW.

**NEW SECTION.** Sec. 61. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts

done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

**NEW SECTION, Sec. 62.** A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify in writing any person filing a claim under this chapter of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.\_\_\_\_ RCW (sections 46 through 61 of this act). The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the Washington basic health plan board, in each employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION, Sec. 63.** A new section is added to chapter 74.08 RCW to read as follows:

The department shall notify in writing any person found ineligible for public assistance of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.\_\_\_\_ RCW (sections 46 through 61 of this act). The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the Washington basic health plan board, in each community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION, Sec. 64.** A new section is added to chapter 82.24 RCW to read as follows:

Effective October 1, 1985, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an excise tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette. The moneys collected under this section shall be deposited in the basic health plan trust account of the state treasury.

**NEW SECTION, Sec. 65.** A new section is added to chapter 70.39 RCW to read as follows:

Effective July 1, 1986, the commission shall assess against each hospital an annual charge equal to one percent of the hospital's gross annual operating costs for the provision of hospital services for its last fiscal year ending on or before June 30 of the preceding calendar year, less the gross annual operating costs related to revenue received from any managed health care system participating in the Washington basic health plan, revenue received from the department of social and health services under provisions of chapter 74.09 RCW, and the costs of services carried as charity care, as such care is defined by the commission. A hospital that does not charge any fees for services rendered to patients may apply for a waiver of the annual assessment fee from the Washington basic health plan board. One-twelfth of the assessment shall be payable each month to the department of revenue and all such payments shall be deposited in the basic health plan trust account of the state treasury. The commission shall take into account, in establishing annual target amounts of state-wide hospital revenues under RCW 70.39.150(6), the duty of each hospital to pay the assessment.

**NEW SECTION, Sec. 66.** A new section is added to chapter 82.04 RCW to read as follows:

Effective July 1, 1986, there is levied and shall be collected from every person engaging in the business of practicing medicine as defined in chapter 18.57 or 18.71 RCW, other than a health maintenance organization as defined in chapter 48.46 RCW, for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.290, an additional tax equal to the gross income of the business activity multiplied by the rate of one percent. Revenue received from any managed health care system participating in the Washington basic health plan, revenue received from the department of social and health services under the provisions of chapter 74.09 RCW, and the amount of professional liability insurance premiums paid during the reporting period may be deducted from revenues subject to the additional tax. Such deductions may not reduce revenues subject to the basic tax imposed by RCW 82.04.290. The department of revenue shall deposit the revenues collected under this section in the basic health plan trust account of the state treasury.

**NEW SECTION, Sec. 67.** The Washington basic health plan board shall be appointed, hire an executive director, and commence operations as promptly as practicable after the effective date of this act. Not later than January 1, 1986, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 53 of this act;

(2) A proposal for legislation imposing, effective July 1, 1986, a tax or other assessment upon any class of health care providers or practitioners providing major professional services included in the schedule of basic health care services adopted under section 53 of this act, designed to raise sufficient revenue to cover the anticipated cost to participating managed health care systems of the professional services of providers or practitioners within the class;

(3) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of geographical areas within the state where no managed health care system is expected to be participating in the plan by July 1, 1986, together with any proposals that might assist or stimulate the development of managed health care systems in such areas;

(4) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of June 30, 1986;

(5) An estimate of the number of enrollees whose basic health care coverage under this chapter can be expected to be financed during the 1986-87 state fiscal year by combining revenues received under sections 64, 65, and 66 of this act with payments from the enrollees;

(6) A description of the sliding fee schedule for periodic enrollee payments adopted by the board under section 53 of this act;

(7) Jointly with the department of social and health services, a proposal for maximizing federal financial participation with respect to persons who may be eligible both for enrollment in the plan and for the limited casualty program under RCW 74.09.700;

(8) A proposal or set of proposals that would allow any health care provider subject to any assessment or tax imposed under this act an appropriate deduction, from the base used for such assessment or tax, of the costs associated with the provision of charity care by the health care provider;

(9) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(10) Any other information which the board deems appropriate.

Not later than January 1, 1987, the board shall submit to the legislature a further progress report, updating its 1986 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 55 of this act.

**NEW SECTION.** Sec. 68. Sections 46 through 61 of this act shall constitute a new chapter in Title 70 RCW. The chapter shall have no force or effect after June 30, 1986, unless the legislature affirms before that date, by bill or concurrent resolution, its intent to continue the force and effect of the chapter.

**NEW SECTION.** Sec. 69. There is appropriated from the general fund to the basic health plan trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1987, from the revenues accruing to the basic health plan trust account under sections 64, 65, and 66 of this act.

There is appropriated from the basic health plan trust account of the state treasury to the Washington basic health plan board, for the biennium ending June 30, 1987, the sum of sixty million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of this act.

There is appropriated from the general fund to the department of revenue, for the biennium ending June 30, 1987, the sum of seven thousand dollars, or as much thereof as shall be necessary, to carry out the purposes of this act.

Sec. 70. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 15, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of ~~((eight))~~ eleven and one-half mills per cigarette.

(2) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(3) For purposes of this chapter (~~and RCW 28A.47.440~~), "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

~~((2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section, RCW 82.24.025, and 28A.47.440.))~~

Sec. 71. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 14, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the stamps purchased or affixed by them.

Sec. 72. Section 7, chapter 157, Laws of 1972 ex. sess. as last amended by section 217, chapter 3, Laws of 1983 and by section 3, chapter 189, Laws of 1983 and RCW 82.24.260 are each reenacted and amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee

by ((RCW 82.24.020, 82.24.025, and 28A.47.440)) this chapter and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter ((and RCW 28A.47.440)) if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by ((RCW 82.24.020, 82.24.025, and 28A.47.440)) this chapter.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

Sec. 73. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) ~~((The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and~~

~~(4))~~ The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

NEW SECTION. Sec. 74. The following acts or parts of acts are each repealed:

(1) Section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess., section 2, chapter 189, Laws of 1983 and RCW 28A.47.440; and

(2) Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

NEW SECTION. Sec. 75. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1991, as provided in section 76 of this act.

NEW SECTION. Sec. 76. 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, 1992:

- (1) Section 46 of this act and RCW 70.....;
- (2) Section 47 of this act and RCW 70.....;
- (3) Section 48 of this act and RCW 70.....;
- (4) Section 49 of this act and RCW 70.....;
- (5) Section 50 of this act and RCW 70.....;
- (6) Section 51 of this act and RCW 70.....;
- (7) Section 52 of this act and RCW 70.....;
- (8) Section 53 of this act and RCW 70.....;
- (9) Section 54 of this act and RCW 70.....;
- (10) Section 55 of this act and RCW 70.....;
- (11) Section 56 of this act and RCW 70.....;
- (12) Section 57 of this act and RCW 70.....;
- (13) Section 58 of this act and RCW 70.....;
- (14) Section 59 of this act and RCW 70.....;
- (15) Section 60 of this act and RCW 70.....;
- (16) Section 61 of this act and RCW 70.....;
- (17) Section 62 of this act and RCW 50.20.....;
- (18) Section 63 of this act and RCW 74.08.....;
- (19) Section 64 of this act and RCW 82.24.....;
- (20) Section 65 of this act and RCW 70.39.....; and
- (21) Section 66 of this act and RCW 82.04.....

NEW SECTION. Sec. 77. 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. 78. Sections 16 through 19 of this act shall take effect July 1, 1987.

NEW SECTION. Sec. 79. Sections 1 through 15 and 20 through 76 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

The President declared the question before the Senate to be the motion by Senator McDermott to not adopt the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1077.

The motion by Senator McDermott carried and the committee amendment was not adopted.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known as the state health care purchasing reform act of 1985.

NEW SECTION. Sec. 2. The legislature finds that the rising increase in health costs for public employees and persons within the state's care is a major public policy concern and that unless addressed through specific statutory direction adequate health care will not be attainable through the expenditure of public funds. The legislature further finds that prevalent methods of health care delivery and cost reimbursement are often inefficient and wasteful.

It is therefore essential that effective cost control programs be established. It is the intent of the legislature to control costs of state purchased health care while maintaining an adequate level of care; promote wellness; encourage the development of managed health care systems and other systems that have been effective in controlling costs; place within one authority the responsibility and power to control cost while insuring adequate care; and place the state of Washington in a leadership position in cost containment. It is also the legislative intent that cost control procedures be implemented by all state agencies that purchase or provide health care.

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

(1) "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 state employees insurance board, the department of labor and industries, the department of corrections, and the department of veterans affairs.

(2)(a) "Managed health care" for the purposes of this chapter means a system which shall include these components:

(i) Provision of insurance and responsibility for delivery of care through the same organization;

(ii) A comprehensive range of services either directly or on contract with other providers;

(iii) Control of utilization through identified management intervention points;

(iv) A data collection system that includes, as a minimum, utilization data on all clients and quality of care review; and

(v) Financial risk to the provider organization.

(b) It may as an option also include the following:

(i) A mechanism to resolve complaints;

(ii) Incorporation of health promotion activities as a regular part of medical care;

(iii) Membership education regarding appropriate use of facilities and services;

(iv) Quality of care reviews, utilization review, and peer review; and

(v) Financial incentives to the consumer to control costs.

NEW SECTION. Sec. 4. (1) There is hereby created a unit within the office of financial management which shall have the following powers and duties:

(a) To adopt guidelines for acceptable state purchased health care programs which will accomplish the purposes of this chapter;

(b) To review periodically all agency practices for purchasing health care to ensure compliance with health care guidelines;

(c) To coordinate the activities of all state agencies with respect to health care cost containment policies;

(d) To explore new ways to control cost while maintaining adequate levels of care;

(e) To submit to the legislature by January 7, 1987, legislation that is necessary to streamline health care purchasing procedures and remove unnecessary barriers, including but not limited to state contracting procedures;

(f) To coordinate and encourage efforts by state agencies to establish proven health promotion and disease and accident prevention efforts within state-purchased health care programs including, but not limited to education, monitoring, and counseling of consumers on effective methods to minimize illness;

(g) To ensure coordination of the development and maintenance of appropriate health care information systems by all state agencies purchasing or providing health care, to the fullest extent possible using existing data systems, that include:

(i) Common definitions of health care services;

(ii) Health care data elements common to all agencies;

(iii) Health care data elements unique to any agency;

(iv) The capability to monitor the number of persons for whom services are purchased or provided, the types of services or benefit packages provided or purchased, and the unit costs to the state;

(v) Mechanisms for thorough program and budget review; and

(vi) Preparing, on the basis of data available from state agencies, and submitting to the legislature by September 1 of each even-numbered year, biennial and long-term projections for total health care costs assuming no changes in current programs, and recommendations to reduce the costs of those programs;

(h) To establish procedures for volume purchasing of health care goods and equipment; and

(i) To appoint a technical advisory committee that represents state employees, state agencies, and others with technical expertise who are involved in the direct purchase, funding, or provision of health care.

(2) All state agencies shall cooperate in assisting the unit to implement the provisions of this chapter.

(3) The hospital commission, the health planning and certificate of need sections of the department of social and health services, the board of health, department of licensing, health care facilities authority, and the office of the insurance commissioner shall each submit a report to the legislature and the governor by November 30, 1986.

The report shall describe the respective roles of these agencies regarding health care cost containment and their accomplishments over the preceding six years, and shall address ways to increase the efficiency of these agencies to control costs and maintain quality of care.

(4) The unit shall have an administrator who, along with one other employee, shall be exempt from civil service law, chapter 41.06 RCW.

**NEW SECTION.** Sec. 5. (1) The state employees' insurance board, the department of social and health services, the department of labor and industries, the department of veterans affairs, and the department of corrections shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of and may establish a drug formulary designating which drugs may be paid for through the respective health care programs. For purposes of this section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and

(f) May take other necessary measures to control costs of drugs without reducing the quality of care.

(3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section.

(5) Agencies shall report to the unit on the requirements in this section by November 30, 1986.

**NEW SECTION.** Sec. 6. A new section is added to chapter 51.44 RCW to read as follows:

The department of labor and industries shall establish, on an ongoing basis, a review of methods to be used to obtain savings in health care costs and also an analysis of all optional systems considered by the department to control costs, including establishing a managed health care system approach for the provision of health care services, which would include making available to injured workers preferred provider arrangements, health maintenance organizations, or other managed health care or case management systems. This shall include an analysis of the constraints of establishing the system under Title 51 RCW and shall also consider incentives to encourage injured workers to use the system. The department shall prepare any legislation necessary to implement this or other strategies it may recommend to the legislature to effect these savings.

**NEW SECTION.** Sec. 7. The director of labor and industries shall submit to the legislature no later than January 1, 1986, a report that will propose methods to incrementally reduce the projected expenditures of the medical aid fund up to twenty percent for the period of July 1, 1986, to June 30, 1987. With each proposed incremental reduction, the report shall include: Methods of obtaining the reduction; effects upon injured workers; effects upon the service provider; and drafts of any legislation necessary to implement the reductions.

**NEW SECTION.** Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

In addition to its existing managed health care programs the department shall develop plans for two managed health care programs, one in the eastern part and one in the western part of the state. The plan shall include measures to ensure enrollment of at least five thousand medical assistance enrollees in each program, in addition to the number enrolled in managed health care programs as of June 30, 1985. The department shall report to the legislature no later than January 1, 1986, on the development of the plan.

Sec. 9. Section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 21, chapter 288, Laws of 1984 and RCW 70.38.105 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.39.020;

(c) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure by or on behalf of a health care facility which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), (e), (f), or (g) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(f) Acquisition of major medical equipment((:

~~(i) if the equipment will be owned by or located in a health care facility; or~~

~~(ii) if, after January 1, 1981, the equipment is not to be owned by or located in a health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital inpatients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition)) if the equipment is not in operation before March 31, 1985. This subsection shall apply retroactively to the acquisition of all major medical equipment not in operation before March 31, 1985;~~

(g) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and

(h) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

NEW SECTION, Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The state health care purchasing unit and its powers and duties shall be terminated on June 30, 1991, as provided in section 44 of this act.

NEW SECTION, Sec. 11. 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, 1992.

(1) Section 1 of this act;

(2) Section 2 of this act;

(3) Section 3 of this act;

(4) Section 4 of this act; and

(5) Section 5 of this act.

NEW SECTION. Sec. 12. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. The legislature finds that:

(1) A substantial percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(2) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and often results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state;

(3) The use of managed health care systems, as defined in section 14 of this act, has significant potential to reduce the growth of health care costs incurred by the people of this state, and low-income pregnant women are an especially vulnerable population, along with their children, who need greater access to managed health care; and

(4) As declared in RCW 70.39.010, health care is a right of the people and one of the primary purposes for which governments are established.

The purpose of this chapter is to establish a program providing access to affordable basic health care for low-income persons through the use of managed health care systems. This chapter is intended to establish an appropriate mechanism that will foster the entrepreneurial abilities of health care providers in many communities to join together in helping to address a significant portion of that unmet need for access to affordable health care that exists among the residents of the state and in almost every community. The legislature intends that the program be designed and operated in a fiscally prudent manner within the funds appropriated from the basic health plan account established in this chapter, and that the program emphasize primary and preventive health care services while also covering necessary hospitalization.

NEW SECTION. Sec. 14. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health plan board created under section 16 of this act.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, to a defined patient population by enrollment in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and dependent children, all under the age of sixty-five, who reside in the state, whose gross family income at the time of enrollment does not exceed one and one-half times the federal nonfarm poverty level as adjusted for family size and determined annually by the federal office of management and budget, who choose to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board, and who, at the time of enrollment, are not eligible for medical coverage under chapter 74.09 RCW and do not have access to employer-sponsored health care coverage.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 20(2) of this act.

NEW SECTION. Sec. 15. The basic health plan trust account is hereby established in the state treasury. All revenues received under sections 31, 32, and 33 of this act shall be deposited in the basic health plan trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board created in section 49 of this act. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1987, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the revenues anticipated to accrue to the account during the fiscal period.

NEW SECTION. Sec. 16. There is hereby created a Washington basic health plan board, which shall be a separate and independent board of the state. For efficiencies in operation and consultation, the offices of the board shall be co-located with those of the hospital commission. The board shall be composed of nine members appointed by the governor, as follows:

(1) One member representing hospitals, as defined in RCW 70.41.020.

(2) Two members representing individual health care professionals licensed under Title 18 RCW, at least one of whom shall be a physician.

(3) Two members representing the health care insurance industry and possessing actuarial experience or expertise or experience in health care financing and/or benefit design, who

may be associated with health care service contractors or commercial health insurers registered and doing business in the state under Title 48 RCW.

(4) One member representing labor, who is an active trustee of a union-sponsored health care fund.

(5) One representative of private employers who provide or purchase health care benefits for employees.

(6) Two representatives of consumers, at least one of whom represents the interests of low-income persons.

The governor shall designate one of the members designated in subsections (5) and (6) of this section to serve as chairman. At least two of the three members designated in subsections (1) and (2) of this section shall be persons actively engaged in rendering health care services through a managed health care system. No member designated in subsection (3), (4), (5), or (6) of this section shall have any fiduciary obligation to any health care provider or facility, or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms: PROVIDED, That of the members initially appointed after the effective date of this act, three shall be appointed to four-year terms, two to three-year terms, two to two-year terms, and two to one-year terms. Appointments shall require senate confirmation. No member of the board shall serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

**NEW SECTION.** Sec. 17. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Five members of the board shall constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless five members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 18. The board shall employ a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The executive director, medical director, and up to three other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit. The board may create committees from its membership, and may appoint such ad hoc advisory committees as it deems necessary.

The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

**NEW SECTION.** Sec. 19. The board may promulgate and adopt, under chapter 34.04 RCW, regulations consistent with this chapter to carry out the purposes of this chapter.

**NEW SECTION.** Sec. 20. The board shall have the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for periodic payments to the board. The schedule of services shall emphasize preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080. No major professional service may be included in the schedule until legislation is enacted imposing a tax or other assessment, to be deposited in the basic health plan trust account, upon the class of providers or practitioners by whose members that professional service is to be performed.

(2) To design and implement a structure of periodic payments due from enrollees. The payment structure shall be based upon enrollee family size and shall include a sliding scale whereby payments shall vary according to enrollee family income. The structure shall be designed so as to include payment amounts for enrollment of children without requiring enrollment of their parents. The board shall not enroll such numbers of enrollees who qualify for subsidies as might reasonably be expected to result in an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close all enrollment in the plan until the board finds the danger no longer exists. Payments to the board by the department of social and health services on behalf of any person eligible for medical coverage under chapter 74.09 RCW, subject to section 58 of this act, shall not be less than the payments the board makes to managed health care systems for coverage of those persons.

(3) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available through the plan to prospective enrollees living in all areas of the state and, where possible, from among a selection of participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems, and in its dealings with such systems the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several communities of the state.

(4) To receive periodic payments from enrollees, deposit the payments in the basic health plan operating account, keep records of enrollee payments and status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(5) To accept applications from individuals, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for reduced sliding scale payments that will be the responsibility of the enrollee. An enrollee who remains current in making periodic sliding-scale payments, as determined by the board under subsection (2) of this section, may continue enrollment if the enrollee's gross family income rises above one and one-half times the federal nonfarm poverty level, but shall then make payment at the maximum rate established in the sliding fee schedule. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds one hundred-fifty percent of the federal nonfarm poverty level.

(6) To require that prospective enrollees who may be eligible for medical coverage under chapter 74.09 RCW apply for such coverage.

(7) To determine, on a community rating basis, the amount of each periodic per capita or per family payment to a participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for all enrollees, the periodic per capita or per family payments to participating managed health care systems may vary among the systems. In negotiating payment levels with participating systems the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area or community, and other factors the board finds relevant.

(8) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic reports on health care services rendered to enrollees, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(9) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

**NEW SECTION.** Sec. 21. The benefits available under the plan shall be subject to the provisions of RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee which provides payments toward medical expenses without a determination of liability for the injury.

**NEW SECTION.** Sec. 22. On and after July 1, 1986, enrollees whose payments to the board are current shall be entitled to receive covered basic health care services as defined by the board from the respective managed health care systems in which they are enrolled. Before January 1, 1987, the board may not enroll more than thirty thousand individuals who are eligible for subsidies. Before January 1, 1987, the board shall endeavor to secure participation

agreements with managed health care systems in not more than twelve areas of the state, including urban, suburban and rural areas, and to the extent possible with a mixture of public hospitals, community clinics, cities and counties, nonprofit hospitals, and health care professionals engaged in independent practice. The board shall endeavor to secure participation agreements with managed health care systems in each of the congressional districts of the state. The board shall closely monitor growth patterns so as not to exceed that consistent with the orderly development of the plan.

**NEW SECTION, Sec. 23.** Any enrollee whose payments to the board are delinquent may be dropped from enrollment status. The board shall make reasonable efforts to notify delinquent enrollees of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, when applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

**NEW SECTION, Sec. 24.** Managed health care systems participating in the plan shall do so by contract with the board and, on and after July 1, 1986, shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. Subject to board approval and with full disclosure to enrollees and prospective enrollees, a managed health care system may impose nominal copayments upon enrollees as an incentive for proper utilization of services. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than copayments authorized under this section, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care systems the board shall endeavor to establish a uniform period for such opportunity.

Prior to negotiating with any managed health care system the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board shall, before executing any initial or renewal contracts, be assured that adequate enrollee protection and continuity of care measures are in place, and the full schedule of services can be provided any enrollee;

(4) The board may then select one and preferably more than one system to provide the covered services under the plan within a specific geographic area; and

(5) The board may adopt a policy that gives preference to systems substantially supported by public revenues or involving public agencies.

**NEW SECTION, Sec. 25.** Any enrollee who, after enrollment in the plan, becomes eligible for medical assistance or medical care services under chapter 74.09 RCW may continue as a plan enrollee, and shall so continue if the enrollee's minimum enrollment period, if any, has not expired. If the enrollee continues enrollment in the plan under this section, the department of social and health services shall make periodic payments to the plan on the enrollee's behalf, at the maximum rate established in the sliding fee scale, for the services covered by the plan; PROVIDED, That with respect to enrollees eligible for medical assistance under RCW 74.09.510, the periodic amount payable to the plan shall not be greater than the amount with respect to which full federal financial participation is available under title XIX of the federal social security act. Any enrollee on whose behalf the department of social and health services makes payments to the plan under this section and chapter 74.09 RCW may continue as an enrollee, making periodic payments based on his own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and

payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

**NEW SECTION.** Sec. 26. In addition to the powers and duties specified in sections 18 and 20 of this act, the board shall have the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With health care service contractors registered under RCW 48.44.015 and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance; PROVIDED, That any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

(4) With any public hospital district established under chapter 70.44 RCW or with any county or city, to administer the plan as the board's agent with respect to enrollees residing and managed health care systems serving the geographic area within the boundaries of the district, county, or city; PROVIDED, That the district, county, or city shares with the board, on a dollar for dollar matching basis, the cost of payments to participating managed health care systems for coverage of enrollees residing within the boundaries of the district, county, or city less the amounts payable by enrollees to the district, county, or city as agent for the board. In the event a hospital district, county, or city provides the board with adequate assurances of its ability to administer the plan for potential enrollees residing within its jurisdiction and agrees to share in the cost of any subsidy required for enrollees under the schedule for sliding scale payments, and the board has agreements for participation with a managed health care system or systems within the boundaries of such district, county, or city, and with the approval of the legislature, the plan may commence operations in that jurisdiction on or after March 30, 1986 notwithstanding the implementation dates in sections 22 and 24 of this act.

(5) With any community health center or other public or private nonprofit health care provider participating in a managed health care system under the plan and demonstrating financial need, to furnish direct financial assistance in meeting the start-up costs of providing covered basic health care services under the plan, for a period not exceeding one year after the managed health care system commences coverage of enrollees.

**NEW SECTION.** Sec. 27. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, shall be exempt from the provisions and requirements of Title 48 RCW.

**NEW SECTION.** Sec. 28. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

**NEW SECTION.** Sec. 29. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify in writing any person filing a claim under this chapter of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.\_\_\_\_ RCW (sections 13 through 28 of this act). The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the Washington basic health plan board, in each employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION.** Sec. 30. A new section is added to chapter 74.08 RCW to read as follows:

The department shall notify in writing any person found ineligible for public assistance of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.\_\_\_\_ RCW (sections 13 through 28 of this act). The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the Washington basic health plan board, in each community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION.** Sec. 31. A new section is added to chapter 82.24 RCW to read as follows:

Effective October 1, 1985, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an excise tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette. The moneys collected under this section shall be deposited in the basic health plan trust account of the state treasury.

**NEW SECTION.** Sec. 32. A new section is added to chapter 70.39 RCW to read as follows:

Effective July 1, 1986, the commission shall assess against each hospital an annual charge equal to one percent of the hospital's gross annual operating costs for the provision of hospital services for its last fiscal year ending on or before June 30 of the preceding calendar year, less the gross annual operating costs related to revenue received from any managed health care system participating in the Washington basic health plan, revenue received from the department of social and health services under provisions of chapter 74.09 RCW, and the costs of services carried as charity care, as such care is defined by the commission. A hospital that does not charge any fees for services rendered to patients may apply for a waiver of the annual assessment fee from the Washington basic health plan board. One-twelfth of the assessment shall be payable each month to the department of revenue and all such payments shall be deposited in the basic health plan trust account of the state treasury. The commission shall take into account, in establishing annual target amounts of state-wide hospital revenues under RCW 70.39.150(6), the duty of each hospital to pay the assessment.

**NEW SECTION.** Sec. 33. A new section is added to chapter 82.04 RCW to read as follows:

Effective July 1, 1986, there is levied and shall be collected from every person engaging in the business of practicing medicine as defined in chapter 18.57 or 18.71 RCW, other than a health maintenance organization as defined in chapter 48.46 RCW, for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.290, an additional tax equal to the gross income of the business activity multiplied by the rate of one percent. Revenue received from any managed health care system participating in the Washington basic health plan, revenue received from the department of social and health services under the provisions of chapter 74.09 RCW, and the amount of professional liability insurance premiums paid during the reporting period may be deducted from revenues subject to the additional tax. Such deductions may not reduce revenues subject to the basic tax imposed by RCW 82.04.290. The department of revenue shall deposit the revenues collected under this section in the basic health plan trust account of the state treasury.

**NEW SECTION.** Sec. 34. The Washington basic health plan board shall be appointed, hire an executive director, and commence operations as promptly as practicable after the effective date of this act. Not later than January 1, 1986, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 20 of this act;

(2) A proposal for legislation imposing, effective July 1, 1986, a tax or other assessment upon any class of health care providers or practitioners providing major professional services included in the schedule of basic health care services adopted under section 20 of this act, designed to raise sufficient revenue to cover the anticipated cost to participating managed health care systems of the professional services of providers or practitioners within the class;

(3) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of geographical areas within the state where no managed health care system is expected to be participating in the plan by July 1, 1986, together with any proposals that might assist or stimulate the development of managed health care systems in such areas;

(4) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of June 30, 1986;

(5) An estimate of the number of enrollees whose basic health care coverage under this chapter can be expected to be financed during the 1986-87 state fiscal year by combining revenues received under sections 21, 22, and 23 of this act with payments from the enrollees;

(6) A description of the sliding fee schedule for periodic enrollee payments adopted by the board under section 21 of this act;

(7) Jointly with the department of social and health services, a proposal for maximizing federal financial participation with respect to persons who may be eligible both for enrollment in the plan and for the limited casualty program under RCW 74.09.700;

(8) A proposal or set of proposals that would allow any health care provider subject to any assessment or tax imposed under this act an appropriate deduction, from the base used for such assessment or tax, of the costs associated with the provision of charity care by the health care provider;

(9) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(10) Any other information which the board deems appropriate.

Not later than January 1, 1987, the board shall submit to the legislature a further progress report, updating its 1986 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 22 of this act.

**NEW SECTION.** Sec. 35. Sections 13 through 28 of this act shall constitute a new chapter in title 70 RCW. The chapter shall have no force or effect after June 30, 1986, unless the legislature

affirms before that date, by bill or concurrent resolution, its intent to continue the force and effect of the chapter.

NEW SECTION. Sec. 36. There is appropriated from the general fund to the basic health plan trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1987, from the revenues accruing to the basic health plan trust account under sections 31, 32, and 33 of this act.

There is appropriated from the basic health plan trust account of the state treasury to the Washington basic health plan board, for the biennium ending June 30, 1987, the sum of sixty million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of this act.

There is appropriated from the general fund to the department of revenue, for the biennium ending June 30, 1987, the sum of seven thousand dollars, or as much thereof as shall be necessary, to carry out the purposes of this act.

Sec. 37. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 15, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of ~~((eight)) eleven~~ and one-half mills per cigarette.

(2) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(3) For purposes of this chapter ~~((and RCW 28A.47.440))~~, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

~~((2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section, RCW 82.24.025, and 28A.47.440.))~~

Sec. 38. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 14, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the stamps purchased or affixed by them.

Sec. 39. Section 7, chapter 157, Laws of 1972 ex. sess. as last amended by section 217, chapter 3, Laws of 1983 and by section 3, chapter 189, Laws of 1983 and RCW 82.24.260 are each reenacted and amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by ~~((RCW 82.24.020, 82.24.025, and 28A.47.440))~~ this chapter and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter ~~((and RCW 28A.47.440))~~ if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by ~~((RCW 82.24.020, 82.24.025, and 28A.47.440))~~ this chapter.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

Sec. 40. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent:

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) ~~((The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and (4))~~ The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

(1) Section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess., section 2, chapter 189, Laws of 1983 and RCW 28A.47.440; and

(2) Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

NEW SECTION. Sec. 42. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1991, as provided in section 76 of this act.

NEW SECTION. Sec. 43. 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, 1992:

- (1) Section 46 of this act and RCW 70.\_\_\_\_\_;
- (2) Section 47 of this act and RCW 70.\_\_\_\_\_;
- (3) Section 48 of this act and RCW 70.\_\_\_\_\_;
- (4) Section 49 of this act and RCW 70.\_\_\_\_\_;
- (5) Section 50 of this act and RCW 70.\_\_\_\_\_;
- (6) Section 51 of this act and RCW 70.\_\_\_\_\_;
- (7) Section 52 of this act and RCW 70.\_\_\_\_\_;
- (8) Section 53 of this act and RCW 70.\_\_\_\_\_;
- (9) Section 54 of this act and RCW 70.\_\_\_\_\_;
- (10) Section 55 of this act and RCW 70.\_\_\_\_\_;
- (11) Section 56 of this act and RCW 70.\_\_\_\_\_;
- (12) Section 57 of this act and RCW 70.\_\_\_\_\_;
- (13) Section 58 of this act and RCW 70.\_\_\_\_\_;
- (14) Section 59 of this act and RCW 70.\_\_\_\_\_;
- (15) Section 60 of this act and RCW 70.\_\_\_\_\_;
- (16) Section 61 of this act and RCW 70.\_\_\_\_\_;
- (17) Section 62 of this act and RCW 50.20.\_\_\_\_\_;
- (18) Section 63 of this act and RCW 74.08.\_\_\_\_\_;
- (19) Section 64 of this act and RCW 82.24.\_\_\_\_\_;
- (20) Section 65 of this act and RCW 70.39.\_\_\_\_\_; and
- (21) Section 66 of this act and RCW 82.04.\_\_\_\_\_.

NEW SECTION. Sec. 44. 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. 45. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

#### POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would rise to make a motion that this expands the scope and object of the bill. I would argue that this is an extremely lengthy bill and it becomes a proposed vehicle for other Senate Bills and most notable the basic health care plan, Senate Bill No. 3320, which establishes a basic health plan. This bill has been found to be tagged on at the end of 1077 as a proposed amendment; if you look at Section 12 on page 9 and subsequent sections. The original bill, Engrossed Substitute House Bill 1077 represents the outgrowth of two studies ordered by the 1984 legislature and it's designed to insure that the state be prudent in its purchase of health care and explore ways to be wise and efficient in the use of the state expenditures. House Bill 1077 created a state health care purchasing unit within OFM which was charged with a certain degree of oversight in the state's health care purchase.

"In conjunction with that original intent and for the purposes of 1077, it does the following: It allows the schools and the ESDs that were granted options for self funding and self insurance--they also have a medical aid fund in Labor and Industries which would then be subject to legislative appropriation and L & I is to report on methods to achieve cost savings. In other words, 1077 clearly is an exploration of implementation of cost-saving measures in the state agencies' expenditure of health care. The committee striking amendment greatly expands that in order to establish an entirely new entity that was not in 1077--a new scheme of health care, of enrollment and it's financed by a tax increase. While 1077 is limited to oversight and improvement of agencies purchase of health care, the proposed amendment would also establish a new delivery system to administer this new entity and a newly defined group of potential recipients that would enact new taxes to finance the program. For these reasons, I challenge the scope and object of the amendment."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1077 was deferred.

President Pro Tempore Goltz assumed the chair.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 227, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Ballard, Jacobsen, Winsley, Leonard, Baugher, Unsoeld, Patrick, Chandler, Rayburn, Braddock, Brough, Lewis, Miller, Van Luven, May, Taylor, D. Nelson and Schoon)

Requiring liability insurance or other proof of financial responsibility for operation of a motor vehicle.

The bill was read the second time.

## MOTION

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

On page 1, following line 19, insert a new subsection as follows:

"(3) A policy of insurance issued as required by this chapter or pursuant to RCW 46.29 may contain conditions and limitations commonly used in motor vehicle insurance policies including but not limited to the following:

(a) Reasonably prompt written notice of accident or loss and prompt delivery to the company of a claim or suit papers;

(b) Cooperation in the defense of any claim and attendance at proceedings and hearings;

(c) Notification and payment of premiums for any newly acquired or replacement vehicle;

(d) Named driver or under-age driver limitations;

(e) Permissive use by the named insured of a non-owned vehicle and permissive use of the insured vehicle by other persons;

(f) Limitation of coverage to the named insured or organizations defined as persons insured."

## MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse, Talmadge, Moore and Owen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers, it is the intent of the legislature to require that no application for an original motor vehicle license or for renewal or reinstatement of a vehicle license will be approved unless accompanied by evidence of insurance as set forth in this chapter.

NEW SECTION. Sec. 2. (1) On and after January 1, 1986, no application for an original motor vehicle license or for renewal or reinstatement of a motor vehicle license may be approved or validated unless the applicant certifies that a motor vehicle insurance policy or a surety bond issued by a company authorized to do business in this state or surplus line coverage under chapter 48.15 RCW is in effect in at least the amounts specified in RCW 46.29.490 on account of any accident in which the vehicle is involved. A certificate of deposit of money or securities, as provided in RCW 46.29.550, or a certificate of self-insurance, as provided in RCW 46.29.630, meets the requirements of this section.

(2) It is unlawful to wilfully falsify insurance information submitted to the department pursuant to subsection (1) of this section or section 5 of this act. Violation of this subsection is a misdemeanor, punishable by a fine of not to exceed one thousand dollars or thirty days imprisonment or both.

(3) The department shall annually verify on a random audit basis by negative verification the insurance information contained in at least one percent of all certifications received pursuant to subsection (1) of this section.

For purposes of this section, "negative verification" means that an insurer or surety shall be required to notify the department, upon inquiry by the department, only if the insurer or surety determines that no insurance policy or bond issued by it was in force at the time for which the department is inquiring.

NEW SECTION. Sec. 3. (1) On or after January 1, 1986, it is unlawful to operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the vehicle is insured against liability as provided in RCW 46.29.490, by a bond under RCW 46.29.520, by a certificate of deposit under RCW 46.29.550, or by self-insurance under RCW 46.29.630.

(2) Violation of this section is a misdemeanor, punishable by a fine not to exceed one thousand dollars or thirty days imprisonment or both.

(3) A policy of insurance issued as required by this chapter or pursuant to chapter 46.29 RCW may contain conditions and limitations commonly used in motor vehicle insurance policies including but not limited to the following:

(a) Reasonably prompt written notice of accident or loss and prompt delivery to the company of a claim or suit papers;

(b) Cooperation in the defense of any claim and attendance at proceedings and hearings;

(c) Notification and payment of premiums for any newly acquired or replacement vehicle;

(d) Named driver or under-age driver limitations;

(e) Permissive use by the named insured of a nonowned vehicle and permissive use of the insured vehicle by other persons;

(f) Limitation of coverage to the named insured or organizations defined as persons insured.

**NEW SECTION.** Sec. 4. An insurance carrier who issues a policy required by this chapter shall also furnish the policy holder with the carrier's name, the policy number, and the identification number of the vehicle insured under the policy. The policy holder shall transfer this information to the reverse side of the current vehicle registration or otherwise keep this information in written form in the vehicle.

**NEW SECTION.** Sec. 5. (1) A law enforcement officer requiring an operator of a motor vehicle subject to registration under chapter 46.16 RCW to produce for inspection a driver's license shall also require the operator to produce the information required by section 4 of this act.

(2) If the operator of the motor vehicle is unable to produce the information as required, the operator shall be charged with a violation of section 3 of this act. If the operator can demonstrate to the court that liability insurance was in effect on the vehicle at the time of the inspection, the charge against the driver shall be reduced to a traffic infraction of failure to show proof of insurance. The infraction is punishable by a fine of not more than fifty dollars.

**NEW SECTION.** Sec. 6. Sections 1 through 5 of this act do not apply to motor vehicles registered with the Washington utilities and transportation commission as common or contract carriers.

Sec. 7. Section 2, chapter 11, Laws of 1979 as last amended by section 1, chapter 30, Laws of 1981 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns.

(2) If such accident was not investigated by a law enforcement officer, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) If such accident was investigated by a law enforcement officer, the original of each driver's report required by subsection (1) of this section shall be retained by the local law enforcement agency where the accident occurred, and the second copy shall be forwarded to the department of licensing at Olympia, Washington.

(4) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(5) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. The accident report shall also contain sufficient information to permit verification of motor vehicle liability insurance. The department shall verify on a random audit basis the insurance information contained in at least five percent of the accident reports received pursuant to this section. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in

compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 8. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.160 relating to vehicle trip permits;

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

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

(9) RCW 46.20.342 relating to driving with a suspended or revoked license;

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

(11) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(12) Chapter 46.29 RCW relating to financial responsibility;

(13) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(14) RCW 46.48.175 relating to the transportation of dangerous articles;

(15) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(16) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(17) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(18) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(19) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;

(20) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(21) RCW 46.52.210 relating to abandoned vehicles or hulks;

(22) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(23) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(24) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(25) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(26) RCW 46.61.500 relating to reckless driving;

(27) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(28) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(29) RCW 46.61.522 relating to vehicular assault;

(30) RCW 46.61.525 relating to negligent driving;

(31) RCW 46.61.530 relating to racing of vehicles on highways;

(32) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(33) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(34) RCW 46.64.020 relating to nonappearance after a written promise;

(35) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(36) Chapter 46.65 RCW relating to habitual traffic offenders;

(37) 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;

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

(39) Chapter 46.80 RCW relating to motor vehicle wreckers;

(40) Chapter 46.82 RCW relating to driver's training schools;

(41) Sections 2 and 3 of this act relating to motor vehicle liability insurance.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act shall constitute a new chapter in Title 46 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."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Newhouse, Talmadge, Moore and Owen. The motion by Senator Newhouse carried and the amendment was adopted.

#### MOTIONS

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

In line 3 of the title, after "RCW," insert "and" and after "penalties" strike everything through "date"

On motion of Senator Bender, the rules were suspended. Substitute House Bill No. 227, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 227, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 227, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 227, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Granlund was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 203, by Committee on Transportation (originally sponsored by Representatives Patrick, Holland, Leonard, Brough, Schmidt, Crane, Todd, Padden, Lux, Zellinsky, Schoon, Bond, Sanders, Isaacson, May and J. Williams)

Directing the state auditor to study diversion of county road property tax revenues.

The bill was read the second time.

#### MOTIONS

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

On page 1, after line 18 insert:

\*Sec. 2. Section 1, chapter 1, Laws of 1959 and RCW 41.14.010 are each amended to read as follows:

The general purpose of this chapter is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. The provisions of this chapter have no application to any class AA county which provides for civil service in the police department or sheriff's office by local charter or ordinance where such local charter or ordinance substantially accomplishes the purpose of this chapter: PROVIDED, That if any such county at any time repeals the charter provisions or ordinances providing for civil service for the police department or sheriff's office, this chapter must thereafter apply to such county.

Renumber the remaining section accordingly.

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

On page 1, line 18, after "1985" insert a new section 2 as follows, and renumber the remaining section accordingly:

\*NEW SECTION. Sec. 2. A new section is added to chapter 36.75 RCW as follows:

If the centerline of a portion of a county road is part of a corporate boundary of a city or town as of the effective date of this 1985 act and that portion of county road has no connection

to the county road system, maintenance of all affected portions of the road shall be the responsibility of such city or town after a petition requesting the same has been made to the city or town by the county legislative authority."

On motion of Senator Peterson, the following title amendments were considered simultaneously and adopted:

On page 1, line 1, after "section," insert "amending RCW 41.14.010;"

On page 1, line 1, after "section" insert "; creating a new section in chapter 36.75, RCW"

#### MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 203, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 203, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 203, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Granlund, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 203, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 187, by Committee on Transportation (originally sponsored by Representatives Madsen, Sommers and Walk)

Allowing counties to make state-authorized improvements to state highways.

The bill was read the second time.

#### MOTION

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

On page 2, line 21, after "roads" insert ", existing private roads that will become county roads as a result of this improvement district process"

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

On page 3, after line 7, insert the following:

\*NEW SECTION, Sec. 5. A new section is added to chapter 82.14 RCW to read as follows:

On and after July 1, 1985, through June 30, 1991, the legislative authority of any city having a population over one hundred forty thousand may impose a sales and use tax of up 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). The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and 82.14.045 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. The total proceeds of such tax shall not exceed the sum of twenty-five million dollars plus administration and collection expenses pursuant to RCW 82.14.050.

The total proceeds of the tax imposed under this section, less amounts deducted for administration and collection expenses pursuant to RCW 82.14.050, shall be used solely to finance the local share of preliminary engineering, right of way acquisition, and construction expenditures for any project located on one or more adjacent city streets, forming a state corridor, which includes crossing of a waterway within the city limits of a city having a population of more than one hundred forty thousand.

This section shall expire June 30, 1992."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn this is a different--they are not going to have the two cents a gallon tax?"

Senator Wojahn: "No, that's been dropped."

Senator Rasmussen: "But within the city, they will charge one-tenth of one percent?"

Senator Wojahn: "They could, if they wish to assess up to one-tenth of one cent on the existing sales tax."

Senator Rasmussen: "What would one-tenth raise?"

Senator Wojahn: "It would raise about six million dollars. That's the estimate I have, between five and six million. It raises more than the gasoline tax."

Senator Rasmussen: "Did they give up on the two cents a gallon?"

Senator Wojahn: "I didn't give up. The House gave up on me and I'm doing the best I can, Senator."

## POINT OF ORDER

Senator Rasmussen: "Mr. President, I guess I would raise scope and object on it. A sales tax is an entirely different approach. The original proposal of two cents a gallon would kill all of the gasoline dealers in town and this certainly wouldn't set within the scope and object of the legislation we are considering."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Have you made the point of order or did you say you would think about it?"

Senator Rasmussen: "I hesitate to make a scope and object with my back to my colleague, but I think that it is a scope and object case on the amendment."

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 187 was deferred.

President Cherberg assumed the chair.

## SECOND READING

HOUSE BILL NO. 1094, by Representatives L. Smith, Dellwo, Brooks, Schmidt, Rayburn and Bond

Expanding eligibility for issuance of identicards.

The bill was read the second time.

## MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 1094 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Stratton: "Senator Peterson, when the Department issues these cards, will they ask, especially in the case of young people, for proof of age?"

Senator Peterson: "Well, I would assume so. That would be automatic for that purpose to avoid illegal use of the card."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1094.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1094 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Granlund, Moore - 2.

HOUSE BILL NO. 1094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1077 and the pending striking amendment by Senator McDermott, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute Senate Bill No. 1077 is a measure implementing procedures to control and monitor health care costs including expansion of managed health care programs and creation of a state health care purchasing unit in O.F.M.

"The amendment proposed by Senator McDermott establishes a statewide managed health care plan called the basic health plan designed to control the costs of physician and hospital services and requires certificate of need review for all medical equipment costing in excess of one million dollars.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator McDermott was ruled in order.

#### MOTION

Senator Bluechel moved the following amendment to the amendment be adopted:

On page 6, line 2, of the amendment, strike Sec. 9 through line 11 on page 8.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, you indicated that the hospitals didn't get a certificate of need and then a couple of doctors opened a clinic and bought the same equipment--is that right?"

Senator Bottiger: "There's all kinds of examples. I'm sure Senator McDermott could give you some. I think there's a body scanner one in Tacoma where the hospital knew they couldn't get it and there's a loophole in the law by doctors putting one in an office and the hospital refers all the patients over there. By the way, Senator, then they send the bill to Labor and Industries and we pay it."

Senator Rasmussen: "That's what I fail to understand. What is the difference if they have it and they bill the same amount to Labor and Industries as the hospital would?"

Senator Bottiger: "Senator Rasmussen, existing law does not cover doctor's clinics--under a certificate of need--and so the doctors discovered a loophole and while the hospital was covered, a doctor's office was not, so they'd buy it and put it in the doctor's office. Senator McDermott's bill closes the loophole."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Lee: "A point of parliamentary inquiry, Mr. President. There are two amendments by Senator Bluechel. I heard both of them being discussed. The one on page 6 which simply reduces the expansion of the certificate of need and the one on page 27 which would repeal the certificate of need, and my point of inquiry is--which amendment, Mr. President, are we voting on? Is it the one on page 6 which does not expand it or the one on page 27 which repeals it?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The amendment on page 6."

Senator Lee: "The one that does not expand it, and the other one would be subsequent to that?"

President Cherberg: "Yes."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the amendment by Senator McDermott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment to the amendment was adopted by the following vote: Yeas, 23; nays, 22; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn - 22.

Absent: Senators Garrett, Warnke - 2.

Excused: Senators Granlund, Moore - 2.

#### MOTION

Senator Zimmerman moved the following amendment to the McDermott amendment:

On page 22, line 19, after "treasury" delete all of sections 32 and 33 up to and including "treasury" on page 23, line 23 and renumber the remaining sections accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman to the amendment by Senator McDermott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman carried and the amendment to the amendment was adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senators Granlund, Moore - 2.

#### MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1077 was deferred.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced the recently elected Executive Vice President of the National Rifle Association, Mr. Ray Arnett, who was seated on the rostrum. Mr. Arnett is attending the National Rifle Association Convention being held in Seattle this week.

With permission of the Senate, business was suspended to permit Mr. Arnett to address the Senate.

#### SECOND READING

HOUSE BILL NO. 158, by Representatives Winsley, Dellwo, P. King, Schoon and Isaacson (by Department of Licensing request)

Requiring payment of a fee for reinstatement of a driver's license suspended for a financial responsibility violation.

The bill was read the second time.

#### MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 158.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 158 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Meicall, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators Granlund, Moore - 2.

HOUSE BILL NO. 158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863, by Committee on Transportation (originally sponsored by Representatives Kremen, Walk, Thomas, Schmidt, Tanner and May)

Funding transportation improvements necessitated by planned economic development.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((nine))~~ eleven persons appointed by the governor and the director of commerce and economic development, the director of ~~((planning and community affairs))~~ community development, the director of revenue, the commissioner of employment security, the secretary of the department of transportation, and the chairmen of the committee on ~~((commerce))~~ trade and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees~~((for a total of seventeen members))~~. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 2. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 89, chapter 287, Laws of 1984 and by section 1 of this act and RCW 43.160.030 are each reenacted to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of eleven persons appointed by the governor and the director of commerce and economic development, the director of community development, the director of revenue, the commissioner of employment security, the secretary of the department of transportation, and the chairmen of the committee on trade and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

**NEW SECTION.** Sec. 3. A new section is added to chapter 43.160 RCW to read as follows:

Each agency head of an executive branch agency who is appointed to the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings in which the agency head will be absent. The designee has all powers to vote and participate in board deliberations as have the other board members.

**NEW SECTION.** Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving the findings of the transportation commission as specified in section 5 of this act. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without approval of the improvements, as submitted or amended, by the transportation commission as specified in section 5 of this act.

(4) The board shall notify the transportation commission of its decision regarding any application made under this section.

**NEW SECTION.** Sec. 5. A new section is added to chapter 47.01 RCW to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to section 4 of this act from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval of the proposed improvements as submitted or amended, or its disapproval, to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to section 4 of this act, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

(4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to sections 4 and 5 of this act.

(5) All state highway improvements that are approved pursuant to sections 4 and 5 of this act shall be charged to the economic development account of the motor vehicle fund created by RCW 47.10.803.

Sec. 6. Section 1, chapter 316, Laws of 1981 as amended by section 1, chapter 19, Laws of 1982 and RCW 47.10.801 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2) and (3) of this section, upon the request of the Washington state transportation commission a total of four hundred ~~((fifty))~~ sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, ~~((1985))~~ 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122:

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in RCW 47.05.030;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in sections 4 and 5 of this act.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

Sec. 7. Section 3, chapter 316, Laws of 1981 and RCW 47.10.803 are each amended to read as follows:

The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) (a) and (b) shall be deposited in the motor vehicle fund~~((-and))~~. The proceeds from the sale of the bonds authorized by RCW 47.10.801(1)(c) shall be deposited in the economic development account of the motor vehicle fund, hereby created. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds.

NEW SECTION. Sec. 8. The sum of ten million dollars, or so much thereof as may be necessary, is appropriated from the economic development account of the motor vehicle fund to the department of transportation for the biennium ending June 30, 1987, to carry out the provisions of sections 4 and 5 of this act and RCW 47.10.801(1)(c). However, the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds, and interest earned thereon, authorized by RCW 47.10.801(1)(c) and deposited to the credit of the economic development account of the motor vehicle fund.

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. Section 11, chapter 316, Laws of 1981 and RCW 47.10.810 are each hereby repealed.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 2 of this act, which shall take effect July 1, 1985."

On motion of Senator McDermott, the following amendment by Senators McDermott, Lee, Zimmerman and Thompson to the Committee on Transportation amendment was adopted:

On page 7, after line 11 of the amendment, strike all material down through "1985." on line 16 and insert the following:

**NEW SECTION.** Sec. 11. **LEGISLATIVE FINDINGS AND POLICY.** The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

**NEW SECTION.** Sec. 12. **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in section 13 of this act.

(2) "Department" means the department of community development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal or of interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Technical assistance" means training and other services provided to local governments to (a) help such local governments plan, apply, and qualify for loans and financing guarantees from the board and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

**NEW SECTION.** Sec. 13. **PUBLIC WORKS BOARD CREATED.** (1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

**NEW SECTION.** Sec. 14. **GENERAL POWERS OF THE BOARD.** The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(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 which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.04 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. 15. PUBLIC WORKS FINANCING POWERS. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

**NEW SECTION.** Sec. 16. ELIGIBILITY AND PRIORITY. (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; and

(e) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by the legislature. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

**NEW SECTION.** Sec. 17. PUBLIC WORKS ASSISTANCE ACCOUNT. The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees in accordance with this chapter.

**NEW SECTION.** Sec. 18. RECORDS, AUDITS, AND REPORTS. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.

Sec. 19. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), ~~((82.20.010(2)))~~ 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 20. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, ~~((water distribution))~~ sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution and refuse collection businesses: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses, seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses, and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in section 17 of this 1985 act.

Sec. 21. Section 82.20.010, chapter 15, Laws of 1961 as last amended by section 14, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar; and for each additional five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar.

(2) ((An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.)) Forty-six and one-half percent of the moneys collected under this section shall be deposited in the public works assistance account created in section 17 of this 1985 act.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

**NEW SECTION.** Sec. 22. FEASIBILITY STUDY. The department shall study the feasibility of innovative financing and development alternatives, such as joint development or privatization, by which local governments may provide needed public services to users. The study shall be conducted on an expeditious basis, making maximum use of available expertise. The department shall report to the board and the legislature on the study's conclusions and recommendations as soon as practicable. The sum of \$75,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the public works trust fund to the department of community development for the purpose of this study.

**NEW SECTION.** Sec. 23. REPEALER. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

NEW SECTION. Sec. 24. CAPTIONS. As used in this act, section captions constitute no part of the law.

NEW SECTION. Sec. 25. CODIFICATION. Sections 11 through 18 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 26. EFFECTIVE DATE. 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, except section 2 of this act shall take effect July 1, 1985, and sections 11 through 23 of this act shall take effect June 1, 1985."

#### MOTION

On motion of Senator McDermott, the following amendment by Senators McDermott, Lee, Zimmerman and Thompson to the Committee on Transportation amendment was adopted:

On page 7, after line 11 of the amendment, strike all material down through "1985." on line 16 and insert the following:

"NEW SECTION. Sec. 11. LEGISLATIVE FINDINGS AND POLICY. The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

NEW SECTION. Sec. 12. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in section 13 of this act.

(2) "Department" means the department of community development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Technical assistance" means training and other services provided to local governments to (a) help such local governments plan, apply, and qualify for loans and financing guarantees from the board and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

NEW SECTION. Sec. 13. PUBLIC WORKS BOARD CREATED. (1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of

the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

**NEW SECTION. Sec. 14. GENERAL POWERS OF THE BOARD.** The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(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 which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.04 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. 15. PUBLIC WORKS FINANCING POWERS.** In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

**NEW SECTION. Sec. 16. ELIGIBILITY AND PRIORITY.** (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; and

(e) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which

are recommended for funding by the legislature. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

**NEW SECTION. Sec. 17. PUBLIC WORKS ASSISTANCE ACCOUNT.** The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees in accordance with this chapter.

**NEW SECTION. Sec. 18. RECORDS, AUDITS, AND REPORTS.** The board shall keep proper records of accounts and shall be subject to audit by the state auditor. Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.

Sec. 19. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), ~~((82.20.010(2);))~~ 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 20. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, ~~((water distribution))~~ sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution and refuse collection businesses: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses, seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses, and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in section 17 of this 1985 act.

Sec. 21. Section 82.20.010, chapter 15, Laws of 1961 as last amended by section 14, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar; and for each additional five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar.

(2) ((An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.)) Forty-six and one-half percent of the moneys collected under this section shall be deposited in the public works assistance account created in section 17 of this 1985 act.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

NEW SECTION. Sec. 22. FEASIBILITY STUDY. The department shall study the feasibility of innovative financing and development alternatives, such as joint development or privatization, by which local governments may provide needed public services to users. The study shall be conducted on an expeditious basis, making maximum use of available expertise. The department shall report to the board and the legislature on the study's conclusions and recommendations as soon as practicable. The sum of \$75,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the public works trust fund to the department of community development for the purpose of this study.

NEW SECTION. Sec. 23. REPEALER. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

NEW SECTION. Sec. 24. CAPTIONS. As used in this act, section captions constitute no part of the law.

NEW SECTION. Sec. 25. CODIFICATION. Sections 11 through 18 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 26. EFFECTIVE DATE. 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, except section 2 of this act shall take effect July 1, 1985, and sections 11 through 23 of this act shall take effect June 1, 1985."

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

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

#### MOTIONS

On motion of Senator Peterson, the following title amendments were considered simultaneously and adopted:

On page 1, beginning on line 4 of the title, strike "creating a new section;"

On page 7, line 20 of the title amendment, after "line" strike the remainder of the title amendment and insert "2 of the title, after "development:" strike the remainder of the title and insert "amending RCW 43.160.030, 47.10.801, 47.10.803, 82.02.030, 82.16.020, and 82.20.010; reenacting RCW 43.160.030; adding a new chapter to Title 43 RCW; adding new sections to chapter 43.160 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 47.10.810, 43.63A.200, 43.79.450, and 43.79.452; making appropriations; declaring an emergency; and providing effective dates."

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 863, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 863, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 863, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Cantu, Craswell, Deccio, Garrett, McCaslin, Newhouse, Pullen - 7.

Excused: Senators Granlund, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 187 and the pending amendment by Senators Wojahn and Talmadge, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute Senate Bill No. 187 is a measure

allowing counties to use road improvement districts or service districts to improve state highways within the boundaries of the county.

"The amendment proposed by Senators Wojahn and Talmadge allows certain cities to impose a sales tax of up to one-tenth of one percent to finance construction projects crossing a waterway within the city.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

#### MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 187, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Peterson, is it based on area for individual property owners and how wide could it encompass where the people would have to pay for the new LID assessment?"

Senator Peterson: "It would be within the perimeter of the district that would be interested in forming a LID."

Senator Rasmussen: "So, if I had an acreage that I was developing—forty miles back, I could include all the other people in there, so I could have the improvements with a highway system—even though the people didn't want the improvements, but they would be wrapped into the LID?"

Senator Peterson: "No, you couldn't do that unless the LID was approved by majority vote."

Senator Rasmussen: "That was why I was asking whether it was on area or owners, because that is what has happened many times in the past. Somebody with fifty/seventy-five acres has wrapped up a number of small people within the LID—but they had the area. Now, how does the bill work?"

Senator Peterson: "The way I understand it—the property owners adjacent to or on any state highway—this refers, as you recall, to a state highway, if it doesn't happen to be on the priority system. If the property owner adjacent to or on that road wanted to improve it for some unknown reason, they would have the opportunity to form the LID and do it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 187, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 187, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Cantu, Craswell, McCaslin, Pullen, Rasmussen - 5.

Excused: Senators Granlund, Moore - 2.

SUBSTITUTE HOUSE BILL NO. 187, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 804, by Committee on Environmental Affairs (originally sponsored by Representatives Scott, Allen, Rust, S. Wilson, Lux, Unsoeld and Haugen)

Establishing a program to recycle auto and truck tires.

The bill was read the second time.

## MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as last amended by section 1, chapter 123, Laws of 1984 and RCW 70.95.010 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:

- (a) Waste reduction;
- (b) Waste recycling;
- (c) Energy recovery or incineration; and
- (d) Landfill.

(5) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded vehicle tires with the subsequent conservation of resources and energy.

Sec. 2. Section 2, chapter 134, Laws of 1969 ex. sess. as amended by section 2, chapter 41, Laws of 1975-76 2nd ex. sess. and RCW 70.95.020 are each amended to read as follows:

The purpose of this chapter is to establish a comprehensive state-wide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling;

(4) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(5) To encourage storage, proper disposal, and recycling of discarded vehicle tires and to stimulate private recycling programs throughout the state.

It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

Sec. 3. Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 2, chapter 123, Laws of 1984 and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Committee" means the solid waste advisory committee.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department of ecology.
- (5) "Disposal site" means the location where any final treatment, utilization, processing, or depositary of solid waste occurs.
- (6) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(7) "Jurisdictional health department" means city, county, city-county, or district public health department.

(8) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(9) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(10) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(11) "Waste reduction" means reducing the amount or type of waste generated.

(12) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(13) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

(14) "Landfill" means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility.

(15) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**NEW SECTION.** Sec. 4. (1) No person may drop, deposit, discard, or otherwise dispose of vehicle tires on any public property or private property in this state or in the waters of this state whether from a vehicle or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley unless:

(a) The property is designated by the state, or by any of its agencies or political subdivisions, for the disposal of discarded vehicle tires; and

(b) The person is authorized to use the property for such purpose.

(2) A violation of this section is punishable by a civil penalty, which shall not be less than two hundred dollars nor more than two thousand dollars for each offense.

(3) This section does not apply to the storage or deposit of vehicle tires in quantities deemed exempt under rules adopted by the department of ecology under its functional standards for solid waste.

**NEW SECTION.** Sec. 5. There is levied and there shall be collected by the department of revenue from every person engaging within this state in business making retail sales of new replacement vehicle tires, an annual assessment equal to the gross proceeds of the sales of new replacement vehicle tires sold within this state, multiplied by twelve hundredths of one percent. All of the applicable provisions of chapter 82.32 RCW have full force and application with respect to taxes imposed under this section. For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

**NEW SECTION.** Sec. 6. There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments, fines, bail forfeitures and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used for the administration and implementation of this chapter as provided by section 7 of this act.

**NEW SECTION.** Sec. 7. Moneys in the account may be appropriated to the department of ecology:

(1) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; and

(2) To accomplish the other purposes of RCW 70.95.020(5).

Sec. 8. Section 26, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.260 are each amended to read as follows:

The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the (~~planning and community affairs agency or its successor~~) department of community development, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop state-wide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in vehicle recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 9. To aid in the state-wide tire recycling campaign, the legislature strongly encourages various industry organizations which are active in resource recycling efforts to provide active cooperation with the department of ecology so that additional technology can be developed for the tire recycling campaign.

NEW SECTION. Sec. 10. Sections 4 through 7 and 9 of this act are each added to chapter 70.95 RCW.

NEW SECTION. Sec. 11. The department of ecology shall submit a report to the appropriate committees of the legislature by January 1, 1987, on the implementation of sections 4 through 7 and 9 of this act."

#### MOTION

Senator Talmadge moved that the following amendment to the Committee on Parks and Ecology amendment be adopted:

On page 4, line 31, after "assessments" strike ", fines, bail forfeitures."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge to the Committee on Parks and Ecology amendment.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Kreidler moved that the following amendment to the Committee on Parks and Ecology amendment be adopted:

On page 5, line 27, delete "vehicle" and insert "tire."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, this provides penalties of two hundred to two thousand dollars per offense. It says the Ecology Department may exempt persons. There is nothing that says they have to--if I have a tire in my back yard. Then my second question would be the tax that is imposed. Does that mean my local dump, because they are already taxing me once cannot charge me again for the disposing of tires? And does that same thing relate to the commercial establishments that have a lot of tires to get rid of?"

Senator Kreidler: "Senator Rasmussen, this is speaking to the committee amendment rather than the technical amendment that we have before us, but the language we have in our committee amendment takes care of the very problem that you are describing--to make sure that somebody who may be a tire dealer and has a few tires stacked up behind their place or a person who puts a couple tires out on a vacant lot behind their house, will not be affected. We want to make sure that that would be the situation. We're looking at only those big tire dumps that are collectors and that somebody then walks away from and we, then, inherit the problem to catch on fire, or one thing or another."

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler to the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the amendment to the committee amendment was adopted.

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

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

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 804, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 804, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 804, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Johnson, McCaslin, McDonald, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer - 17.

Absent: Senator Conner - 1.

Excused: Senators Granlund, Moore - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 804, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SPECIAL ORDER OF BUSINESS

The time having arrived for the special order of business, the Senate began consideration of Substitute Senate Bill No. 3654.

## SECOND READING

SENATE BILL NO. 3654, by Senator McDermott

Relating to the capital budget.

## MOTIONS

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3654 was substituted for Senate Bill No. 3654 and the substitute bill was placed on second reading and read the second time.

Senator Bottiger moved that the following amendment be adopted:

On page 67, beginning on line 9, strike everything down to and including "provided." on line 13 and insert:

"This appropriation shall lapse unless the state, or the city and/or county of Spokane, within one year of the effective date of this act imposes either a hotel/motel tax or other local option tax. Revenues generated by such tax shall be dedicated for reimbursement of the bond principal and interest provided in SB 3679. Alternatively, the city and/or county of Spokane may pledge revenues from municipal bonds to retire the bond debt provided in SB 3679."

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, I can understand your efforts, but why is the state involved? The second line says, 'unless the state or the city or county?'"

Senator Bottiger: "Senator Newhouse, apparently the hotel/motel tax which was used to build the King Dome is a state statute and they wanted to preserve that option that in January they would come down with a recommendation that we pass a state statute applying to a hotel/motel tax in the city of Spokane. I candidly can't tell you why they can't use the one in Seattle."

Senator Newhouse: "They might suggest that they have hotels with units of two hundred or more so nobody has to pay it."

Senator Bottiger: "Senator, I don't know. They asked for that option and it seemed reasonable to me."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

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

## MOTION

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

On page 92, after line 31, insert the following:

\*NEW SECTION, Sec. 714. A new section is added to read as follows:

The office of financial management shall submit each agency's proposal for a capital project or capital improvement project together with each agency's master development plan, environmental impact statement and any supporting material to the capital projects review committee no later than the twentieth day of October, 1986: PROVIDED, That if a capital project proposal or capital improvement project proposal is submitted for a fiscal period other than a biennium, the proposal shall be submitted no less than eighty days prior to the first day of the session at which such proposal is to be considered.

The capital projects review committee shall consider the feasibility and necessity of each proposal for a capital project or capital improvement project. The committee shall recommend approval, modification, or rejection of the funding of each proposal.

The capital projects review committee is hereby established and shall be composed of the chairpersons of the senate and house of representatives ways and means committees, and one member appointed by each caucus.

The capital projects review committee may establish an ad hoc advisory committee composed of representatives of the private sector and the public to advise the review committee on project proposals."

Renumber the remaining sections consecutively.

Debate ensued.

## POINT OF ORDER

Senator Newhouse: "Mr. President, it appears to me that this is a statutory section to go in the RCWs and should not be a part of the budget bill. Perhaps to be more to the point, I'll raise the issue that this expands the scope and object of the budget bill and should not be in the bill."

Further debate ensued.

There being no objection, the President declared that further consideration of Substitute Senate Bill No. 3654 would be deferred.

## SECOND READING

ENGROSSED HOUSE BILL NO. 758, by Representatives Locke, Miller, Armstrong, Nealey, Jacobsen, Patrick, Gallagher, Barnes, Unsoeld, D. Nelson, Isaacson, Todd, Van Luven, Madsen, Addison and Wineberry

Imposing civil liability for the theft of utility services.

The bill was read the second time.

## MOTION

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 758 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Williams, I'm interested, number one, in the troubled damages. We very rarely apply troubled damages in our legislation except in the most egregious circumstances. I'm also worried about the fact that, as I understand, if there's evidence of tampering with the meter—is that prima facia evidence if the owner did the tampering?"

Senator Williams: "It does shift the burden of proof to the owner of the building, if in fact, the meter has been tampered with."

Senator Pullen: "Does the owner have to prove that he did not do the tampering then?"

Senator Williams: "Yes. I might add, though, that in that case you are dealing with the damages that are involved in the amount of electricity that has been lost or stolen and the damage to the actual facility. That's what we're talking about."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 758.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 758 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Owen, Peterson, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart - 17.

Excused: Senators Granlund, Moore - 2.

ENGROSSED HOUSE BILL NO. 758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3654 and the pending amendment by Senators McManus and Wojahn on page 92, line 31, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute Senate Bill No. 3654 is a measure adopting the capital budget, making appropriations and authorizing expenditures for capital improvements and authorizing certain projects.

"The amendment proposed by Senators McManus and Wojahn establishes the capital projects review committee of the legislature to consider the feasibility and necessity of proposed capital projects.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3654.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3654 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 36.

Voting nay: Senators Benitz, Craswell, Garrett, Guess, Hayner, McCaslin, Metcalf, Pullen, Rasmussen, Sellar, Wojahn - 11.

Excused: Senators Granlund, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 348 and the pending amendment on page 6, line 21 to the Committee on Judiciary amendment, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Second Substitute House Bill No. 348 is a measure adopting most of the Sentencing Guidelines Commission's recommendations regarding presumptive and determinate felony sentencing.

"The amendment proposed by Senator Halsan requires that vacancies in the Commission be filled by the Governor so as to guarantee representation from all over the state.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Judiciary amendment was ruled out of order.

#### MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild, Moore and Bender to the Committee on Judiciary amendment was adopted:

On page 39, after line 12 of the amendment, insert the following:

"Sec. 18. Section 9A.84.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.84.030 are each amended to read as follows:

(1) A person is guilty of disorderly conduct if he:

(a) Uses abusive language and thereby intentionally creates a risk of assault; or

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; ~~(or)~~

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or

(d) Solicits in a retail establishment or other public place any compensation, gratuity, or reward for his or her benefit without providing service, product, or other benefit in return.

(2) Disorderly conduct is a misdemeanor."

Renumber the remaining sections consecutively.

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

On page 39, after line 12 of the amendment, insert the following:

"Sec. 18. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 6, chapter 273, Laws of 1984 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, partner, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, partnership, or corporation, or as a

public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own unauthorized use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars."

Renumber the remaining sections consecutively.

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

On page 15, after line 44 of the amendment, insert "Robbery of a controlled substance (section 18 of this 1985 act)"

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

On page 39, after line 12 of the amendment, insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of robbery of controlled substances if the person commits robbery of any material or compound containing any quantity of a controlled substance under chapter 69.50 RCW belonging to or in the care, custody, control, or possession of a person registered with the board of pharmacy under RCW 69.50.302 or 69.50.303 and in the commission of the robbery or immediate flight therefrom, the person:

(a) Is armed with a deadly weapon; or

(b) Displays what appears to be a firearm or other deadly weapon; or

(c) Inflicts bodily injury.

(2) Robbery of controlled substances is a class A felony."

Renumber the remaining sections consecutively.

#### MOTIONS

On motion of Senator Talmadge, the following amendments to the Committee on Judiciary amendment were considered simultaneously and adopted:

On page 2, line 16 of the amendment, after "RCW 13.40.020(6)(a)," strike "~~((and))~~" and insert "and"

On page 2, line 18 of the amendment, after "(iii)" strike all the material down to and including "felonies," on line 19

On page 19, line 31 of the amendment, after "in" strike "subsections (3) and" and insert "subsection"

On page 20, line 13 of the amendment, after "(3)" strike all the material down to and including "committed," on line 14

On page 20, line 15 of the amendment, strike "class B and C"

On page 34, beginning on line 14 of the amendment, strike all the material down to and including "proceedings," on page 38, line 13

Renumber the sections consecutively and correct any internal references accordingly

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

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

#### MOTION

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 4 of the title, after "9A.44.070," insert "10.98.140,"

On page 39, line 30 of the title amendment, before "10.98.140," insert "9A.84.030,"

On page 39, line 30 of the title amendment, before "10.98.140," insert "9A.56.010,"

On page 39, after line 30 of the title amendment insert the following:

"On page 1, line 4 of the title, after "13.50.050;" insert "adding a new section to chapter 9A.56 RCW;"

On page 39, line 30 of the title amendment strike "10.98.140," and insert "and 10.98.140"

On page 39, after line 30 of the title amendment insert "On page 1, line 4 of the title, strike ", and 13.50.050"

#### MOTIONS

On motion of Senator Zimmerman, Senator Saling was excused.

On motion of Senator Talmadge, the rules were suspended. Engrossed Second Substitute House Bill No. 348, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 348, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 348, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Benitz, Craswell, Guess, McCaslin, Patterson, Stratton - 6.

Excused: Senators Granlund, Moore, Saling - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 348, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 54, by Representatives Armstrong, D. Nelson, Van Luvan, Jacobsen, Nealey, Long, Sutherland, Lundquist, Gallagher and Wang

Defining the tort liability of operators of radioactive waste repositories.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 54 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Williams, is this similar legislation to what some other states have adopted--or do you know?"

Senator Williams: "I can't answer that question. I don't know what the pattern is of other states."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. There's a doctrine in the law called 'Res Ipsa Loquitor.' There's a very ancient English case where the safe fell out of a second story window onto a passerby on the sidewalk. An English court, which was one to quote Latin, at the time, adopted the doctrine of 'Res Ipsa Loquitor.' If the product or the commodity is in the hands of the individual and it escapes, who should have to explain how it got away from him? What this bill does is simply apply that doctrine to the handlers of high level nuclear waste. If it gets away from you, then you have to prove that it wasn't because you were negligent--rather than the outside trying to prove it was. This is a shift of the burden of proof to the handlers of a dangerous commodity."

POINT OF INQUIRY

Senator Hayner: "Senator Bottiger, do you know the answer to my question?"

Senator Bottiger: "Senator, with or without a statute, I would argue 'Res Ipsa Loquitor'--if something like that got away from somebody, it just simply makes it clear. Another case where it applies is if you go to the hospital and you come home with a sponge in your stomach--Res Ipsa Loquitor or the hospital--has to explain how it got there and that they weren't negligent. I don't see anything startling about this bill, candidly."

POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, as this reads to me--anyone that's transporting or moving any nuclear waste would be found guilty and we have so many tariffs out there and people fighting to keep nuclear waste--the white trains and all of this--say they went out and sabotaged it and here you're letting them go out and sabotage that and the truck driver or anyone transporting would be found guilty."

Senator Talmadge: "No, not at all, Senator Hansen. I think, in fact, if you had a circumstance like you described and someone intervened--terrorists or something like that, that would be something that the handler of nuclear waste could then pose for the reason of being excused from any fault in the handling of the high-level nuclear waste. This, basically, provided the presumption that says if there is a problem, an accident occurs, that then causes damage--there is a presumption that that person is at fault--then they can present evidence that rebuts the presumption and terrorist activity or any other kind of intervening problem would be something you could use to rebut the presumption."

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, you said 'if it causes damage.' What kind of damage? Are you talking about nuclear damage or are you talking about physical damage to a truck or something like that?"

Senator Talmadge: "Senator, conceivably it could be both. If the circumstance were--a person believes he has been harmed--harm has to occur before a cause of action is said to exist. It has to be a duty owed by the defendant to the plaintiff. The duty has to be breached in some way and a proximate result of the breach, some kind of damage has to occur and damage could be damage to the truck, for example, or could be damage more generally to the environment or adjoining landowner or whatever if the high-level waste were to leak in the course of its transportation."

Senator Guess: "Senator, what I want to make sure is that the damage would be the leakage of high-level nuclear waste. It would not be physical damage by someone running into a truck or a truck running into someone else? This is the thing that worries me."

Senator Talmadge: "It would be only damage caused by the nuclear waste, as I understand it, Senator Guess."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 54.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 54 and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Guess, McCaslin, Newhouse - 6.

Absent: Senator Sellar - 1.

Excused: Senators Granlund, Moore, Saling - 3.

ENGROSSED HOUSE BILL NO. 54, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 974, by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Lewis, Unsoeld, Valle, May, Miller, K. Wilson and Todd)

Modifying provisions on acid rain.

The bill was read the second time.

#### MOTIONS

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

On page 2, line 15, after "technology" insert "or the appropriate committees of the house and of the senate"

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 974, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Kreidler, as I remember it, we extended the life of the Science and Technology Committee to the end of this biennium--if I'm not mistaken. What have we done with this bill?"

Senator Kreidler: "Senator McDonald, this bill--the language came over from the House referencing that particular Committee. At this time right now, even though we have taken that action, the House has not, so we are waiting to see if they concur in continuing that Joint Committee and that is the only reason in making the change in referencing which Committee would be involved."

Senator McDonald: "So, we would extend it until the end of this biennium, which would be June 30th, but this bill is neutral on it? It just simply says it will be what?"

Senator Kreidler: "Senator McDonald, it is, essentially, a fail-safe mechanism whereby if and when that Committee fails to exist because we don't know if the House is going to go along with the renewal of its continued existence. It's just making sure we have something to fall back on--that there is some Committee reference."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 974, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 974, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Craswell - 1.

Excused: Senators Granlund, Moore, Saling - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 974, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1190, as amended by the Senate, deferred on third reading April 12, 1985.

### THIRD READING

SUBSTITUTE HOUSE BILL NO. 1190, by Committee on Higher Education (originally sponsored by Representatives Peery, L. Smith, J. King and Tanner)

Changing provisions relating to the joint center for education.

The bill, as amended by the Senate, was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1190, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Pullen, Rasmussen - 3.

Absent: Senator Lee - 1.

Excused: Senators Granlund, Moore, Saling - 3.

SUBSTITUTE HOUSE BILL NO. 1190, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 814, by Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Rust, Miller, Jacobsen, Holland, G. Nelson and Barnes)

Requiring the department of ecology to review Puget Sound wastewater standards.

The bill was read the second time.

### MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. In recognition of the fact that tidelands historically used for shellfish farming are threatened by nonpoint pollution sources that have been identified as resulting from agricultural grazing practices, failing septic drainfield systems, and stormwater runoff; in recognition of the fact that some of the historical and productive shellfish areas within the state already have been contaminated by these pollution sources and as a result may not be used

for shellfish farming; and in recognition of the fact that shellfish harvesting both commercially and for home consumption is a way of life in many areas of the state, particularly in the Hood Canal, southern Puget Sound, and Willapa Bay regions, and has been so since before the days of statehood; the legislature hereby encourages all counties having tidelands used for the growing or harvesting of shellfish within their boundaries to immediately establish shellfish protection districts and programs designed to prevent any further degradation and contamination of shellfish growing areas.

NEW SECTION. Sec. 2. For purposes of this chapter, "shellfish tidelands" means all saltwater tidelands on which shellfish are grown or harvested for human consumption.

NEW SECTION. Sec. 3. The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a shellfish protection district to include areas in which nonpoint pollution threatens the continuation of shellfish farming or harvesting. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program to be effective within the district. This program may include any elements deemed appropriate to deal with the pollution threat, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, monitoring programs to make sure that septic drainfield systems are adequately maintained and working properly and that animal grazing practices are appropriate, and educational programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution.

NEW SECTION. Sec. 4. The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area within the county, whether incorporated or unincorporated. The legislative authority may abolish a shellfish protection district on its own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting.

NEW SECTION. Sec. 5. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish tidelands, especially in respect to shellfish farming areas located within the boundaries of more than one county.

NEW SECTION. Sec. 6. Whenever a governmental entity makes a decision which addresses a matter in which there is a conflict between (1) on the one hand, a proposed development, proposed change in land use controls, or proposed change in the provision of utility services; and (2) on the other hand, the long-term use of an area for the growing or harvesting of shellfish, which area is within the boundaries of a shellfish protection district, then the governmental entity making the decision must observe the requirements of chapter 43.21C RCW and county ordinances or resolutions integrating the state environmental policy act of 1971 into the various programs under county jurisdiction.

NEW SECTION. Sec. 7. The county legislative authority establishing a shellfish protection district may finance the protection program through (1) its tax revenues, (2) inspection fees and similar fees or charges specified in its protection program, or (3) federal, state, or private grants.

NEW SECTION. Sec. 8. This chapter shall not be considered as diminishing or affecting the authority of a county to adopt and enforce programs or controls, within all or a portion of the county, to deal with nonpoint pollution.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 90 RCW."

Senator Kreidler moved that the following amendment to the Committee on Parks and Ecology amendment be adopted:

On page 4, line 13 of the amendment, after "jurisdiction" insert ", and must consider specifically the long-term use of the area for the growing or harvesting of shellfish. If the decision is not made in favor of the long-term use of the area for the growing or harvesting of shellfish, then the governmental entity must justify the decision in writing and submit it into the records of the local governmental entity. The justification shall include an analysis of the potential injuries to, and loss of property values on the part of, the owners of the shellfish lands or the rights to raise or harvest shellfish on the lands. Unless restricted by the legislative authority, this section applies to areas within a shellfish protection district in which shellfish are grown or harvested for commercial or noncommercial purposes"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler to the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the amendment to the committee amendment was adopted.

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

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

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved that the Senate immediately reconsider the vote by which the Committee on Parks and Ecology amendment, as amended, to Substitute House Bill No. 814 was adopted.

#### PARLIAMENTARY INQUIRY

Senator Kreidler: "Mr. President, I believe what we are talking about is an amendment to an amendment that is already passed. I don't believe we can go back and reconsider the amended amendment. I think the time has passed for reconsideration."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your point is not well taken, Senator, but it will require two reconsiderations to get to it."

The President declared the question before the Senate to be the motion by Senator Guess that the Senate reconsider the vote by which the Committee on Parks and Ecology amendment, as amended, to Substitute House Bill No. 814 was adopted.

The motion by Senator Guess failed.

#### MOTIONS

On motion of Senator Bender, Senator McManus was excused.

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 814, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 814, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 814, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 23; absent, 1; excused, 4.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Halsan, Kiskaddon, Kreidler, McDermott, Metcalf, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Garrett, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Deccio - 1.

Excused: Senators Granlund, McManus, Moore, Saling - 4.

SUBSTITUTE HOUSE BILL NO. 814, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Kreidler served notice that he would move to reconsider the vote by which Substitute House Bill No. 814, as amended by the Senate, failed to pass the Senate.

#### MOTIONS

On motion of Senator McDermott, Engrossed Substitute House Bill No. 863, passed earlier today, was ordered immediately transmitted to the House.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, by Committee on Environmental Affairs (originally sponsored by Representatives Belcher, Unsoeld, Allen, Rust, Dellwo, Locke, P. King, Jacobsen, Fisher, Brekke and Day)

Requiring a management program for the Nisqually river system.

The bill was read the second time.

## MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) The Nisqually river, its waters, and beds have been statutorily characterized for more than a decade as an area of state-wide significance by the people of the state;

(b) The river is a highly prized area of great natural beauty that extends through four biological zones of Washington state from the peak of Mount Rainier to the Nisqually Delta;

(c) The productive uses of the river may well be enhanced in terms of recreation, fish and wildlife habitat, forestry, agriculture, and other benefits associated with the basin if a carefully developed program of stewardship for the area is established;

(d) Notwithstanding existing governmental units' management programs, including those developed under the shoreline management act, an optimum management program designed to achieve maximum benefits for the public and the private landowning community for the use of this valuable natural river corridor has not been established;

(e) The Nisqually river corridor has been historically used for such productive uses as agriculture, education, forestry, hunting, fishing, mining, military maneuvers, irrigation, and electric power production.

(2) It is the purpose of this act to initiate a process that emphasizes the natural and economic values of this river of state-wide significance and that will bring about a stewardship program for the Nisqually river that will assure enhancement of economic and recreational benefits for this generation as well as those to come.

NEW SECTION, Sec. 2. (1) The department of ecology is directed to develop an overall management plan for the Nisqually river consistent with the findings and objectives of section 1 of this act. This plan shall set forth with reasonable specificity, the boundaries of the managed area, the management objectives for the various reaches of the river, the institutional arrangements for carrying out the plan, the moneys and funding sources for successful plan implementation and property owner compensation, and the economic impact on private property owners. If this plan requires private property owners to sell property they own, the property owners shall receive fair market value for their property interests. Taking of less than the fee interest shall be in accordance with RCW 84.34.200 through 84.34.240.

(2) In order to accomplish this task the commission shall establish advisory committees to provide technical assistance and policy guidance. Membership on the advisory committees shall include but not be limited to persons representing the interests of federal, state, and local governmental entities, agriculture, forestry, the Nisqually Indian tribe, other property owners, and environmentalists.

NEW SECTION, Sec. 3. The department shall submit a report to the president of the senate and the speaker of the house of representatives not later than January 6, 1986. The report shall set forth a management plan as directed by section 2 of this act and any proposed legislation recommended or required to implement the plan. The plan shall not be implemented before adoption by the legislature.

NEW SECTION, Sec. 4. This act shall not limit the rights of private or public property owners without fair monetary compensation nor may this act require that private property owners sell their property for less than fair market value.

NEW SECTION, Sec. 5. There is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1987, the sum of forty-two thousand five hundred sixteen dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION, Sec. 6. Sections 1 through 6 of this act shall not be codified."

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

On page 3, line 7 of the amendment, after "the" strike "commission" and insert "department"

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

On page 3, line 29 of the amendment, after "legislature" insert ", however this section shall not prevent the department from performing duties and functions otherwise authorized by law"

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

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

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 323, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, the city of Tacoma operates two dams on the Nisqually River, will this have any effect on these dams?"

Senator Kreidler: "Senator Rasmussen, it will not."

Senator Rasmussen: "The Wilcox Farms are on a large stretch of the Nisqually River, will this affect the Wilcox Farms?"

Senator Kreidler: "Senator Rasmussen, we are talking about a study; it has absolutely no impact on any entity of the river. The recommendation will come back to the legislature, and any action taken by the legislature is something that would be the result of future legislatures and not the result of this particular legislation."

Senator Rasmussen: "Thank you, Senator. You indicated that various people had been consulted. Would you mind stating who those people were?"

Senator Kreidler: "There were a couple of dairy farmers that have property alongside the Nisqually system who came and testified relative to this legislation; also, the Washington Forest Protection Association—as a couple who would have potential concern in the future. On the side of the port's permit, there was considerable support from the Department of Ecology and from various environmental interested groups and the like."

Senator Rasmussen: "The city of Tacoma was part of the discussion?"

Senator Kreidler: "Senator, I believe they were present and they did not wish to testify. They had reviewed the legislation and they did not see any conflict."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 323, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 323, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Melcali, Newhouse, Pullen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Barr, Boffiger, Conner, Craswell, Deccio, Guess, Hansen, Hayner, McCaslin, Owen, Patterson, Peterson, Rasmussen - 13.

Excused: Senators Granlund, McManus, Moore, Saling - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 331, by Representatives Sommers, Prince, Jacobsen and Miller

Revising certain laws governing higher education.

The bill was read the second time.

#### MOTION

Senator Rinehart moved that the following Committee on Education amendment not be adopted:

On page 1, after line 8 insert the following:

**"NEW SECTION.** Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

There is hereby created the higher education coordinating board in the state of Washington. For purposes of this chapter, "board" means the higher education coordinating board.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

The purpose of the board is to provide planning, coordination, monitoring, and policy analysis of higher education in the state of Washington in cooperation 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 for vocational education. The state board for community college education and the commission for vocational education shall coordinate information and activities with the higher education coordinating board.

**NEW SECTION.** Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

The board shall perform the following functions:

(1) Identify through a consultative process the state's higher education goals and objectives;

(2) Establish and maintain a consultative process for identifying roles and missions for each of the public four-year higher education institutions and for the community college system, and develop those statements;

(3) Prepare a comprehensive master plan in concert with all segments of the higher education system and submit that plan to the legislature by December 1, 1986, for approval and/or modification, and biennially update the plan by December 1 of each odd-numbered year beginning in 1987 for consideration by the appropriate legislative policy committees during each even-numbered year. Both the committee on education of the senate and the committee on higher education of the house of representatives shall conduct a public hearing on the biennial plan. The legislature shall make recommendations on the updated plan by concurrent resolution by the end of the regular session. The plan shall then become state higher education policy unless it is amended by the legislature. In preparing the master plan, the board duties shall include but not be limited to:

(a) Assessing the state's educational needs. Such assessments may include, but are not limited to: Needs for college graduates in the state and in particular geographic areas; the basic and continuing education needs of various age groups, particularly high school graduates seeking further education; business, industrial, and other needs for job entry, retraining, and continuing education; analyses of demographic, social, and economic trends to project current and possible future educational needs; consideration of the changing ethnic composition of the population and the special educational needs arising from such trends; the patterns of movement of high school graduates into the colleges, college attendance rates, dropout rates from high schools and colleges; the flow of students through the educational system; and such other information and data as may be necessary to provide a substantive assessment of the higher educational needs of the state. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to the Seattle, Vancouver-Longview, Spokane, and Tri-Cities areas;

(b) Identifying and recommending enrollment and other state policies designed to meet those educational needs; and

(c) Establishing guidelines for continuing education, adult education, public service, and other higher educational programs.

(4) Arbitrate disputes between and among public four-year institutions upon request of one of the institutions involved in the dispute or upon request of the governor or the legislature. The decision of the board shall be binding on the participants in the dispute.

(5) Coordinate higher education, taking into account the educational programs and resources of both public and independent, two and four-year colleges and universities.

(6) Review and recommend operating and capital budget requests from individual four-year public institutions and the community college system. This process must be completed and the recommendations submitted to the office of financial management before October 15 of each even-numbered year beginning in 1986. The state board for community college education, the state and regional universities, and The Evergreen State College shall submit an outline of their proposed budgets identifying major components to the board no later than August 1 of each even-numbered year beginning in 1986.

As part of this review, the board shall analyze budgets for conformity with: The state's higher educational goals and objectives; roles and missions of the institutions; the comprehensive master plan; current statutes; and adherence to board-adopted policy guidelines. These guidelines shall define the board's fiscal priorities for the four-year and two-year higher education systems and shall be adopted and distributed to the four-year institutions and the state board for community college education in December of each odd-numbered year beginning in 1987. In addition to the board's review and recommendation process, the individual four-year public higher education institutions and the state board for community college education will submit operating and capital budget requests to the office of financial management in accordance with instructions from that agency.

(7) Stress advisory and consultative procedures in the development of reports and recommendations and establish advisory committees. Advisory committee membership shall include, where appropriate, the superintendent of public instruction or his or her designee and representatives of public and independent, two and four-year colleges and universities, including faculty, students, trustees, and institutional staff.

(8) Approve the creation of any new degree programs at the state's public four-year college and universities. In its review of new degree programs, the board shall determine if a proposed new program will require appropriations in the current or succeeding fiscal period, or both, which would not be required were the program not initiated. Upon making its recommendation, the board shall transmit copies, with its estimate of the fiscal impact of the program, to the governor and to the appropriate policy and fiscal committees of the house of representatives and the senate.

(9) Evaluate proposals for eliminating existing degree programs at the state's four-year college and universities.

(10) Regularly review existing degree programs for academic rigor and unnecessary duplication at the state's four-year college and universities.

(11) Establish campus service areas and define on-campus and off-campus activities at the state's four-year college and universities.

(12) Approve off-campus programs as defined by the board, centers, and owned or leased academic facilities for the state's four-year college and universities.

(13) Adopt rules for operating higher education consortia that involve two or more public two-year and/or four-year postsecondary institutions or a combination of one of such institutions and one or more independent colleges or universities.

(14) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, and/or with independent institutions.

(15) Initiate development of educational programs to meet identified areas of educational need.

(16) Study and recommend levels of tuition and fees.

(17) Develop criteria for identifying need for new baccalaureate institutions.

(18) Prepare recommendations on merging or closing institutions.

(19) Establish priorities and develop recommendations on student financial aid programs.

(20) Recommend enrollment policies to the legislature.

(21) Develop and specify minimum admission standards for the state's public four-year institutions of higher education.

(22) Develop and implement transfer policies between the state's public institutions of higher education.

(23) Establish and implement a state system for collecting, analyzing, and distributing information.

(24) Monitor higher education activities for compliance with all relevant state policies for higher education.

(25) With the cooperation of all institutions of public higher education, develop and adopt plans for racial minority participation to be used to monitor the progress and effectiveness of state policies on racial minority participation in higher education.

(26) Develop residency rules.

(27) Review and recommend levels of compensation, tuition and fees, and financial aid using as a "reasonableness check" comparative data from peer institutions. The board's review of compensation levels shall include proposed levels for faculty; administrators, including presidents; student employees, including research associates and teaching assistants; and other exempt staff.

(28) Develop and administer reciprocity agreements with bordering states and the province of British Columbia.

(29) Administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.05 RCW (education registration); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); RCW 28B.10.830 through 28B.10.836 (tuition supplement program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

(30) Recommend legislation affecting higher education.

(31) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high technology board); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.58.824 through 28A.58.832 (Washington scholars);

RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature by December 1, 1986.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.80 RCW to read as follows:

The board shall consist of nine members who are representative of the public, including the racial minority community. All nine shall be selected at large, with four members chosen from eastern Washington and four members chosen from western Washington. All members shall be appointed by the governor and confirmed by the senate.

Sec. 5. Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050 are each amended to read as follows:

The nine citizen members of the ~~((council))~~ board alone shall have the right to vote and decide by a simple majority all matters coming before the ~~((council. The other members of the council shall have voice but no voting power))~~ board.

Sec. 6. Section 6, chapter 277, Laws of 1969 ex. sess. as amended by section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060 are each amended to read as follows:

~~((Citizen))~~ Eight members of the ~~((council))~~ board shall serve for terms of ~~((six))~~ four years, said terms expiring on June 30th of the ~~((sixth))~~ fourth year of their term ~~((--PROVIDED-- That the term of the student citizen member shall not exceed three years and shall be coextensive with his or her tenure as a student except for summer sessions))~~ except that in the case of initial members, two shall be appointed to one-year terms, two shall be appointed to two-year terms, and two shall be appointed to three-year terms.

The ninth member of the ~~((council))~~ board, appointed by the governor ~~((from the executive branch of government))~~ as chair, shall serve at the governor's pleasure.

~~((The term of the superintendent of public instruction, the executive director of the commission for vocational education, and the executive director of the state board for community college education shall be coextensive with their tenure in those respective offices.~~

~~The president representatives appointed by the governor shall serve for a four year term, or until such earlier date as each shall cease to be the president of the institution or representative of a postsecondary group from which he was appointed;))~~

Sec. 7. Section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070 are each amended to read as follows:

Any vacancies among ~~((the citizen))~~ board members appointed by the governor shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. ~~((Citizen))~~ Board members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. ~~((Any vacancies among the other members shall be filled by the appointing authority which initially filled the position;))~~ Appointments to fill vacancies shall be only for such terms as remain unexpired.

Sec. 8. Section 9, chapter 277, Laws of 1969 ex. sess. as last amended by section 22, chapter 151, Laws of 1979 and RCW 28B.80.080 are each amended to read as follows:

~~((By a majority vote of the citizen members, the council shall select a chairman who shall be a citizen member; and;))~~ The ~~((council))~~ board shall adopt such bylaws as it sees fit.

The ~~((council))~~ board shall appoint an executive ~~((coordinator))~~ director of services who shall serve at the pleasure of the ~~((council))~~ board. The executive ~~((coordinator))~~ director of services shall be the executive officer of the ~~((council))~~ board and, under the ~~((council's))~~ board's supervision, shall administer the provisions of this chapter. In addition, ~~((he))~~ the executive director shall be in charge of the office of the ~~((council))~~ board.

~~((The council may employ and appoint such other assistants and employees as may be required; in addition, the council may appoint deputy coordinators who shall be assistant directors for the purpose of chapter 41-06 RCW, the state civil service act, and any individual filling such a position shall serve at the pleasure of the council;))~~ The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

In fulfilling the duties under this chapter, the ~~((council))~~ board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies, e.g., appropriate legislative groups, the postsecondary education institutions, the office of financial management, the commission for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The ~~((council))~~ board may compensate these groups and consultants in appropriate ways.

All ~~((council))~~ board funds ~~((shall be expended subject to the approval of the chairman: All matter))~~ related to payment of compensation and other expenses of the ~~((council))~~ board shall be subject to the state budget and accounting act.

Sec. 9. Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090 are each amended to read as follows:

The ~~((council))~~ board shall meet at least four times each year and at such other times as determined by the ~~((chairman))~~ chair who shall give reasonable notice to members of every meeting prior thereto. A majority of the ~~((citizen))~~ members shall constitute a quorum to conduct the affairs of the ~~((council))~~ board.

Sec. 10. Section 12, chapter 277, Laws of 1969 ex. sess. as last amended by section 65, chapter 287, Laws of 1984 and RCW 28B.80.110 are each amended to read as follows:

Members of the ~~((council))~~ board shall be compensated in accordance with RCW 43.03.240 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 11. Section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150 are each amended to read as follows:

~~((In addition to the functions delegated to the council by RCW 28B.80.030;))~~ The ~~((council))~~ board is hereby specifically directed to develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the ~~((council))~~ board shall designate the state certifying officer for student programs.

Sec. 12. Section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150, the ~~((council))~~ board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance grants;

(2) If appropriations are insufficient to fund all students qualifying under subsection (1) ~~((hereof))~~ of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

Sec. 13. Section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170 are each amended to read as follows:

The ~~((council))~~ board shall periodically advise the governor and the legislature of the policy implications of the state of Washington's participation in the Western Interstate Commission for Higher Education student exchange programs as they affect long-range planning for post-secondary education, together with recommendations on the most efficient way to provide high cost or special educational programs to Washington residents.

Sec. 14. Section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200 are each amended to read as follows:

The ~~((council))~~ higher education coordinating board is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law: PROVIDED, That notwithstanding the provisions of RCW 28B.80.050, all members of the ~~((council))~~ board shall have full voting powers in taking actions related to federal postsecondary educational planning functions as provided in this section and RCW 28B.80.210 through 28B.80.240.

Sec. 15. Section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210 are each amended to read as follows:

The ~~((council))~~ board shall administer ~~((the following programs: Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and))~~ any ~~((other))~~ federal act pertaining to higher education which is not administered by another state agency.

Sec. 16. Section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230 are each amended to read as follows:

The ~~((council))~~ board is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

Sec. 17. Section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240 are each amended to read as follows:

The ~~((council))~~ board shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

Sec. 18. Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Management employees" mean administrative exempt personnel of the ~~((council for postsecondary education))~~ higher education coordinating board who are specified by the ~~((council)) board~~ as management.

Sec. 19. Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260 are each amended to read as follows:

(1) The ~~((council)) board~~ shall develop performance evaluation procedures and forms which shall be used for the appraisal of management employees.

(2) The performance evaluation shall measure management employees' performance within at least five performance rating categories.

(3) The ~~((council)) board~~ shall adopt rules designed to insure that performance evaluations of management employees do not result in unrealistic concentration in any performance rating category.

Sec. 20. Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270 are each amended to read as follows:

~~((Beginning on July 1, 1984:))~~ Management employees of the ((council)) board shall be subject to performance evaluation using the procedures developed under RCW 28B.80.260. Such employees may be granted merit increases in salary based on performance as determined by the ~~((council)) board~~ for its employees.

Sec. 21. Section 1, chapter 304, Laws of 1983 and RCW 28B.80.280 are each amended to read as follows:

The ~~((council)) board~~ shall, in cooperation with the state institutions of higher education and the state board for community college education, 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 ~~((council)) board~~ shall report on developments toward that objective at ~~((both)) the ((1984 and 1985)) 1987 regular session(s) of the legislature.~~

NEW SECTION. Sec. 22. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the council for postsecondary education shall be delivered to the custody of the higher education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the council for postsecondary education shall be made available to the higher education coordinating board. All funds, credits, or other assets held by the council for postsecondary education shall be assigned to the higher education coordinating board.

Any appropriations made to the council for postsecondary education shall, on the effective date of this section, be transferred and credited to the higher education coordinating 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. 23. All rules and all pending business before the council for postsecondary education shall be continued and acted upon by the higher education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the higher education coordinating board.

NEW SECTION. Sec. 24. The transfer of the powers, duties, and functions of the council for postsecondary education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 25. If apportionments of budgeted funds are required because of the transfers directed by sections 22 through 24 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.

Sec. 26. Section 3, chapter 54, Laws of 1981 and RCW 28A.58.824 are each amended to read as follows:

The ~~((council for postsecondary education)) higher education coordinating board~~ shall have the responsibility for administration of the Washington scholars program. The program will be developed cooperatively with the Washington association of secondary school principals, a voluntary professional association of secondary school principals. The cooperation of other state agencies and private organizations having interest and responsibility in public and private education shall be sought for planning assistance.

Sec. 27. Section 4, chapter 54, Laws of 1981 and RCW 28A.58.826 are each amended to read as follows:

The ~~((council for postsecondary education)) higher education coordinating board~~ shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.58.822(1). It is the intent that these

criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the state board of education, the office of superintendent of public instruction, the council of presidents, the state board for community college education, and the Washington friends of higher education.

Sec. 28. Section 5, chapter 54, Laws of 1981 and RCW 28A.58.828 are each amended to read as follows:

Each year on or before March 1st, the Washington association of secondary school principals shall submit to the ~~((council for postsecondary education))~~ higher education coordinating board the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW 28A.58.826.

Sec. 29. Section 6, chapter 54, Laws of 1981 and RCW 28A.58.830 are each amended to read as follows:

Washington scholars annually shall be selected from among the students so identified. The ~~((council for postsecondary education))~~ higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The ~~((council))~~ board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the ~~((council))~~ board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 30. Section 7, chapter 54, Laws of 1981 and RCW 28A.58.832 are each amended to read as follows:

~~((The Washington scholars program shall begin with the school year 1981-82.))~~ The ~~((council for postsecondary education))~~ higher education coordinating board is directed to report fully on the results and effectiveness of the Washington scholars program to the ~~((1983))~~ legislature and to the governor.

Sec. 31. Section 2, chapter 73, Laws of 1979 as amended by section 1, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.020 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish guidelines under which the ~~((council for postsecondary education))~~ higher education coordinating board shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. 32. Section 3, chapter 73, Laws of 1979 and RCW 28B.04.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~((("Council" means the council for postsecondary education))~~ "Board" means the higher education coordinating board.

(2) "Center" means a multipurpose service center for displaced homemakers as described in RCW 28B.04.040.

(3) "Program" means those programs described in RCW 28B.04.050 which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.

(4) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

Sec. 33. Section 4, chapter 73, Laws of 1979 as amended by section 2, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.040 are each amended to read as follows:

(1) The ((council)) board, in consultation with state and local governmental agencies, community groups, and local and national organizations concerned with displaced homemakers, shall receive applications and may contract with public or private nonprofit organizations to establish multipurpose service centers for displaced homemakers. In determining sites and administering agencies or organizations for the centers, the ((council)) board shall consider the experience and capabilities of the public or private nonprofit organizations making application to provide services to a center.

(2) ((Not later than ninety days after June 7, 1979:)) The ((council)) board shall issue rules prescribing the standards to be met by each center in accordance with the policies set forth in this chapter. Continuing funds for the maintenance of each center shall be contingent upon the determination by the ((council)) board that the center is in compliance with the contractual conditions and with the rules prescribed by the ((council)) board.

Sec. 34. Section 5, chapter 73, Laws of 1979 as amended by section 3, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.050 are each amended to read as follows:

(1) Each center contracted for under this chapter shall include or provide information and referral to the following services:

(a) Job counseling services which shall:

- (i) Be specifically designed for displaced homemakers;
- (ii) Counsel displaced homemakers with respect to appropriate job opportunities; and
- (iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development;

(b) Job training and job placement services which shall:

- (i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which lead to gainful employment;
- (ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;
- (iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors;

(c) Health counseling services, including referral to existing health programs, with respect to:

- (i) General principles of preventative health care;
- (ii) Health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;
- (iii) Family health care and nutrition;
- (iv) Alcohol and drug abuse; and
- (v) Other related health care matters;

(d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters;

(e) Educational services, including:

- (i) Outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and
- (ii) Information about such other programs as are determined to be of interest and benefit to displaced homemakers by the ((council)) board;

(f) Legal counseling and referral services; and

(g) Outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the ((council)) board determines would be of interest and benefit to displaced homemakers.

(2) The staff positions of each multipurpose center contracted for in accordance with RCW 28B.04.040, including supervisory, technical, and administrative positions, shall, to the maximum extent possible, be filled by displaced homemakers.

Sec. 35. Section 6, chapter 73, Laws of 1979 as amended by section 4, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.060 are each amended to read as follows:

The ((council)) board may contract, where appropriate, with public or private nonprofit groups or organizations serving the needs of displaced homemakers for programs designed to:

(1) Provide direct services to displaced homemakers, including job counseling, job training and placement, health counseling, financial management, educational counseling, legal counseling, and referral services as described in RCW 28B.04.050;

(2) Provide state-wide outreach and information services for displaced homemakers; and

(3) Provide training opportunities for persons serving the needs of displaced homemakers, including those persons in areas not directly served by programs and centers established under this chapter.

Sec. 36. Section 7, chapter 73, Laws of 1979 as amended by section 5, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.070 are each amended to read as follows:

The ((council)) board shall submit to the legislature ((an evaluation at the end of the first two years and)) a biennial evaluation ((beginning)) in January ((1984)) of each even-numbered year. The evaluations may include recommendation for future programs as determined by the ((council)) board.

Sec. 37. Section 8, chapter 73, Laws of 1979 as amended by section 6, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.080 are each amended to read as follows:

(1) The ((council)) board shall consult and cooperate with the department of social and health services; the state board for community college education; the superintendent of public instruction; the commission for vocational education; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the ((council)) board deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The ((council)) board shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate state-wide information to the centers, related agencies, and interested persons upon request.

Sec. 38. Section 11, chapter 73, Laws of 1979 and RCW 28B.04.110 are each amended to read as follows:

The ((council)) board may, in carrying out this chapter, accept, use, and dispose of contributions of money, services, and property: PROVIDED, That funds generated within individual centers may be retained and utilized by those centers. All moneys generated by the ((council)) board or any employee thereof pursuant to this section shall be deposited in a depository approved by the state treasurer. Disbursements of such funds shall be on authorization of the ((council)) board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 39. Section 3, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 283, Laws of 1981 and RCW 28B.05.030 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" includes, but is not limited to, an academic, vocational, technical, home study, business, professional, or other school, institution, college, or university, or other organization or person not exempted under RCW 28B.05.040, offering educational credentials, instruction, or services primarily to persons who have completed or terminated their secondary education, or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.

(2) "To operate", means to establish, keep, or maintain any facility or location in this state where, from, or through which education is offered or educational credentials are offered or granted, and includes contracting for the performance of any such act.

(3) "To offer" includes, in addition to its usual meanings, to advertise, or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.

(4) "To grant" includes to award, issue, sell, confer, bestow, or give.

(5) "Education" or "educational services" includes but is not limited to, any class, course, or program of training, instruction, or study.

(6) "Chief administrative officer" means the person designated by the institution under RCW 28B.05.070.

(7) "Agent" means a person owning an interest in, employed by, or representing for remuneration an educational institution within or without this state, who enrolls or personally attempts to secure the enrollment in such school of a resident of this state, offers to award educational credentials for remuneration on behalf of any such school, or holds himself or herself out to residents of this state as representing an educational institution for any such purpose.

(8) "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.

(9) "Entity" includes but is not limited to a person, company, firm, society, association, partnership, corporation, and trust.

(10) "Degree granting institution" shall mean an educational institution, which offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree or certificate beyond the secondary level.

(11) "Private vocational school" shall mean an educational institution, the objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations which are not designated as professional or requiring a baccalaureate or higher degree.

(12) "Private nonvocational school" shall mean any educational institution that is not a "degree granting institution" or a "private vocational school."

(13) "Dual purpose institution" shall mean any educational institution which satisfies the definitions of both (a) "degree-granting institution" and (b) "private vocational school" or "private nonvocational school." Either the ~~((council for postsecondary education))~~ higher education coordinating board or the commission for vocational education may be selected by the "dual purpose institution" for purposes of complying with the requirements of RCW 28B.05.080, 28B.05.090, 28B.05.100 and 28B.05.110.

(14) "Agency" shall mean the ~~((council for postsecondary education))~~ higher education coordinating board in the case of degree granting institutions and the commission for vocational education in the case of private vocational schools and private nonvocational schools.

Sec. 40. Section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050 are each amended to read as follows:

The commission for vocational education with respect to private vocational schools, the ~~((council for postsecondary education))~~ higher education coordinating board with respect to degree granting institutions, shall:

(1) Establish more detailed criteria to implement the standards set forth in RCW 28B.05.060;

(2) Maintain a list of educational institutions registered in this state under this chapter, which list shall separately identify dual purpose institutions and be available to the public; upon the registration of a "dual purpose institution" insure that such registration is communicated to the council for postsecondary education and the commission for vocational education;

(3) Adopt reasonable rules and regulations in accordance with chapter 34.04 RCW, the administrative procedure act, for enforcing and carrying out the provisions and purposes of this chapter;

(4) Investigate on its own initiative or in response to any complaint filed with it, any person, group, or entity subject to, or reasonably believed by the agency to be subject to, the jurisdiction of this chapter; and in connection therewith, to administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to such investigation;

(5) Coordinate the policies and rules developed under subsections (1) and (3) of this section so as to develop where possible consistent procedures and standards applicable to degree-granting institutions, private vocational school, and dual purpose institutions.

Sec. 41. Section 13, chapter 188, Laws of 1979 ex. sess. as amended by section 3, chapter 283, Laws of 1981 and RCW 28B.05.130 are each amended to read as follows:

The executive director or executive coordinator of the agency may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if the executive director or executive coordinator finds (1) that such suspension or modification will not frustrate the purposes of this chapter and (2) that the educational services to be offered address a substantial, demonstrated need among residents of the state of Washington or that literal application of this chapter works a manifestly unreasonable hardship on the educational institution: PROVIDED, That the chief administrative officer of the institution, after hearing, shall be entitled to appeal the decision of the executive director or executive coordinator to the commission for vocational education or the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 42. Section 2, chapter 169, Laws of 1983 and RCW 28B.07.020 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the

state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the (~~council for postsecondary education~~) higher education coordinating board.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, materialmen, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

Sec. 43, Section 3, chapter 169, Laws of 1983 as amended by section 62, chapter 287, Laws of 1984 and RCW 28B.07.030 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive (~~coordinator~~) director of the (~~state council for postsecondary education~~) higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal.

if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

Sec. 44. Section 4, chapter 169, Laws of 1983 and RCW 28B.07.040 are each amended to read as follows:

The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

- (1) To promulgate rules in accordance with chapter 34.04 RCW;
- (2) To adopt an official seal and to alter the same at pleasure;
- (3) To maintain an office at any place or places as the authority may designate;
- (4) To sue and be sued in its own name, and to plead and be impleaded;
- (5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;
- (6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;
- (7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;
- (8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;
- (9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;
- (10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;
- (11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;
- (12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;
- (13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;
- (14) To consult with the ~~((council for postsecondary education))~~ higher education coordinating board to determine project priorities under the purposes of this chapter; and
- (15) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

Sec. 45. Section 18, chapter 278, Laws of 1984 and RCW 28B.10.045 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28B.10.050, the boards of regents or trustees of the state universities, regional universities, and The Evergreen State College shall mutually establish uniform minimum entrance requirements.

The (~~council for postsecondary education~~) higher education coordinating board shall publish and disseminate the entrance requirements to all high schools in this state. Commencing July 1, 1986, and by July 1 annually thereafter, the (~~council for postsecondary education~~) higher education coordinating board shall report to the legislature on the entrance requirements.

(2) The boards of regents or trustees shall ensure that special admission procedures shall be available to applicants who may be unable to meet the requirements in subsection (1) of this section for admission. Such applicants must be able to submit additional evidence of academic capability sufficient to ensure that the applicant will benefit from or contribute to the institutions' undergraduate program: PROVIDED, That such special admission procedures shall not be interpreted as guaranteeing admittance to the institutions. The special admission of students into educational opportunity programs shall be included in this special admission procedure.

Sec. 46. Section 20, chapter 278, Laws of 1984 and RCW 28B.10.052 are each amended to read as follows:

The boards of regents or trustees of the state universities, regional universities, and The Evergreen State College, in consultation with the (~~council for postsecondary education~~) higher education coordinating board, shall mutually set uniform academic transfer policies for students who complete Washington state community college associate degrees.

Sec. 47. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the (~~council for postsecondary education~~) higher education coordinating board in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 48. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the (~~council for postsecondary education~~) higher education coordinating board in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said (~~council~~) board directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to (~~his~~) the student's parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the (~~council~~) board.

The (~~council~~) board shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 49. Section 3, chapter 14, Laws of 1979 as last amended by section 1, chapter 113, Laws of 1981 and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) (~~hereof~~) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave

so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. The ~~((council for postsecondary education))~~ higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.

Sec. 50. Section 1, chapter 13, Laws of 1980 and RCW 28B.10.790 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they qualify as a "needy student" under RCW 28B.10.802(3), and (2) the institution attended is a member institution of an accrediting association recognized by rule of the ~~((council))~~ higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.10.822.

Sec. 51. Section 2, chapter 13, Laws of 1980 and RCW 28B.10.792 are each amended to read as follows:

The ~~((council))~~ higher education coordinating board shall develop guidelines for determining the conditions under which an institution can be determined to be directly affected by a reciprocity agreement for the purposes of RCW 28B.10.790: PROVIDED, That no institution shall be determined to be directly affected unless students from the county in which the institution is located are provided, pursuant to a reciprocity agreement, access to Washington institutions at resident tuition and fee rates to the extent authorized by Washington law.

Sec. 52. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 1, chapter 235, Laws of 1979 ex. sess. and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the ~~((council))~~ board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a full time student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) ~~((above))~~ of this section who demonstrates to the ~~((council))~~ board the financial inability, either through ~~((his))~~ the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify ~~((him))~~ the student for enrollment as a full time student.

(5) "Commission" or (~~"council"~~) "board" shall mean the (~~council for postsecondary education created in RCW 28B.80.010 as now or hereafter amended~~) higher education coordinating board.

NEW SECTION, Sec. 53. A new section is added to chapter 28B.10 RCW to read as follows:

The higher education coordinating board shall work with institutional financial aid offices to seek improved ways of delivering clear, timely, and understandable student financial aid information, including the state work study program, to students and their parents at the secondary school level, with particular efforts directed to minority and disadvantaged students, and to students beyond the secondary level who may be returning to school, displaced homemakers, or members of other disadvantaged or high need groups.

Sec. 54. Section 2, chapter 56, Laws of 1971 ex. sess. and RCW 28B.10.832 are each amended to read as follows:

The (~~council on~~) higher education coordinating board, in addition to its other duties as prescribed in chapter 28B.80 RCW is hereby directed to develop and administer a state plan to provide a tuition supplement program to undergraduate resident students attending an accredited independent or private institution of higher education within the state of Washington.

Sec. 55. Section 1, chapter 23, Laws of 1972 ex. sess. as amended by section 17, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.840 are each amended to read as follows:

The term "institution of higher education" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean the state board for community college education and the (~~council on (or) postsecondary education~~) higher education coordinating board.

Sec. 56. Section 4, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.040 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the (~~commission on~~) higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

The share from funds disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

Sec. 57. Section 5, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.050 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall disburse college work-study funds after consideration of recommendations of a panel convened by the (~~commission on~~) higher education coordinating board, and composed of representatives of eligible institutions and post-secondary education advisory and governing bodies. Said commission shall establish criteria for the panel designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 58. Section 6, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.060 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 59. Section 7, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.070 are each amended to read as follows:

Each eligible institution shall submit to the ~~((commission on))~~ higher education coordinating board an annual report in accordance with such requirements as are promulgated by the commission.

Sec. 60. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 285, Laws of 1983 and RCW 28B.15.012 are each 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 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 ~~((he))~~ 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 ~~((his))~~ 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; or (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: 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 ~~((he))~~ 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 resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service 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 ~~((he))~~ the student intends to remain, and to which ~~((he))~~ the student expects to return when ~~((he))~~ 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 ~~((council for postsecondary education))~~ higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or ~~((his))~~ 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 ~~((council))~~ board may require.

~~((The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.))~~

Sec. 61. Section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 2, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Unless proven to the contrary it shall be presumed that:

(a) The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(b) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington; any resident dependent student who remains in this state when such student's parents, having theretofore been domiciled in this state for a 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, remove from this state, shall be entitled to continued classification as a resident student so long as such student's attendance (except summer sessions) at an institution in this state is continuous.

(3) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington primarily for purposes other than educational, the rules and regulations adopted by the (~~council for postsecondary education~~) higher education coordinating board shall include but not be limited to the following:

(a) Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required will be a factor in considering evidence of the establishment of a Washington domicile.

(b) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(c) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was filed with the institution; PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of classification shall be considered a ruling on a contested case subject to court review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 62. Section 4, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.015 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board, upon consideration of advice from representatives of the state's institutions with the advice of the attorney general, shall adopt rules and regulations to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency.

Sec. 63. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070 are each amended to read as follows:

The house and senate (~~higher education~~) committees responsible for higher education shall develop, in cooperation with the (~~council for postsecondary education~~) higher education coordinating board and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education (~~no later than~~) by December (1981, and at) of each (two year interval thereafter) odd-numbered year, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which general tuition and operating fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the (~~council~~) board shall be deemed to be approved.

Sec. 64. Section 4, chapter 257, Laws of 1981 as amended by section 17, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.076 are each amended to read as follows:

The ((council for postsecondary education)) higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 65. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged general tuition, operating, and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the ((council for postsecondary education)) higher education coordinating board that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states ((or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis)).

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour general tuition and operating fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 66. Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The ((council for postsecondary education)) higher education coordinating board shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

Sec. 67. Section 1, chapter 80, Laws of 1979 as amended by section 1, chapter 104, Laws of 1983 and RCW 28B.15.730 are each amended to read as follows:

(1) The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the ((council for postsecondary education)) higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.

(2) The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of and to

the extent permitted by an agreement between the ~~((council for postsecondary education)) higher education coordinating board~~ and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

Sec. 68. Section 2, chapter 80, Laws of 1979 and RCW 28B.15.732 are each amended to read as follows:

Prior to January 1 ~~(;)~~ of each odd-numbered year the ~~((council for postsecondary education)) higher education coordinating board~~, in cooperation with the state board for community college education, and in consultation with appropriate agencies and officials in the state of Oregon, shall determine for the purposes of RCW 28B.15.730 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the ~~((council)) board~~ determine that the state of Oregon has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institutions in Oregon an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Oregon, minus twenty-five thousand dollars for each year of the biennium: PROVIDED, That appropriate officials in the state of Oregon agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Oregon.

Sec. 69. Section 3, chapter 80, Laws of 1979 and RCW 28B.15.734 are each amended to read as follows:

The ~~((council for postsecondary education)) higher education coordinating board~~ may enter into an agreement with appropriate officials or agencies in Oregon to implement the provisions of RCW 28B.15.730 through 28B.15.734.

Sec. 70. Section 4, chapter 80, Laws of 1979 as amended by section 2, chapter 104, Laws of 1983 and RCW 28B.15.736 are each amended to read as follows:

By January 10 of each odd-numbered year, the ~~((council for postsecondary education)) higher education coordinating board~~ shall review the costs and benefits of this program and shall transmit copies ~~((or-off))~~ of their review to the governor and the appropriate policy and fiscal committees of the legislature.

Sec. 71. Section 1, chapter 166, Laws of 1983 and RCW 28B.15.750 are each amended to read as follows:

The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Idaho, upon completion of and to the extent permitted by an agreement between the ~~((council for postsecondary education)) higher education coordinating board~~ and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

Sec. 72. Section 2, chapter 166, Laws of 1983 and RCW 28B.15.752 are each amended to read as follows:

Prior to January 1 of each odd-numbered year, the ~~((council for postsecondary education)) higher education coordinating board~~, in cooperation with the state board for community college education and in consultation with appropriate agencies and officials in the state of Idaho, shall determine for the purposes of RCW 28B.15.750 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the ~~((council)) board~~ determine that the state of Idaho has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institution in Idaho an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Idaho, minus twenty-five thousand dollars for each year of the biennium if the appropriate officials in the state of Idaho agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Idaho.

Sec. 73. Section 3, chapter 166, Laws of 1983 and RCW 28B.15.754 are each amended to read as follows:

The ~~((council for postsecondary education)) higher education coordinating board~~ may enter into an agreement with appropriate officials or agencies in the state of Idaho to implement RCW 28B.15.750 and 28B.15.752. By January 10 of each odd-numbered year, the ~~((council)) board~~ shall review the costs and benefits of any agreement entered into under RCW 28B.15.750 and shall transmit copies of their review to the governor and the appropriate policy

and fiscal committees of the legislature. In addition, the ((council)) board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 74. Section 4, chapter 166, Laws of 1983 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the ((council for postsecondary education)) higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

Sec. 75. Section 5, chapter 166, Laws of 1983 and RCW 28B.15.758 are each amended to read as follows:

The ((council for postsecondary education)) higher education coordinating board may enter into an agreement with appropriate officials or agencies in the Canadian province of British Columbia to implement RCW 28B.15.756. The agreement should provide for a balanced exchange of enrollment opportunities, without payment of excess tuition or fees, for residents of the state of Washington or the Canadian province of British Columbia. By January 10 of each odd-numbered year, the ((council)) board shall review the costs and benefits of any agreement entered into under RCW 28B.15.756 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the ((council)) board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 76. Section 6, chapter 166, Laws of 1983 (uncodified) is amended to read as follows:  
 ((Sections one through five of this act)) RCW 28B.15.750 through 28B.15.758 shall expire on June 30, 1987.

Sec. 77. Section 1, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.760 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the ((council for postsecondary education)) higher education coordinating board.

(2) (("Council" means the council for postsecondary education)) "Board" means the higher education coordinating board.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

Sec. 78. Section 2, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.762 are each amended to read as follows:

(1) The ((council)) board may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the ((council)) board for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The ~~((council))~~ board is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of 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 ~~((council))~~ board is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the ~~((council))~~ board as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the ~~((council for postsecondary education))~~ higher education coordinating board and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections under subsection (2) of this section. The ~~((council))~~ board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) The ~~((council for postsecondary education))~~ board shall adopt necessary rules to implement this section.

Sec. 79. Section 3, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.764 are each amended to read as follows:

The ~~((council for postsecondary education))~~ board and institutions of higher education shall work cooperatively to implement RCW 28B.15.762 and to publicize this program to eligible students.

Sec. 80. Section 10, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.20.280 are each amended to read as follows:

The board of regents of the University of Washington may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 81. Section 12, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.30.500 are each amended to read as follows:

The board of regents of Washington State University may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 82. Section 4, chapter 14, Laws of 1979 and RCW 28B.35.205 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and ~~((recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 83. Section 1, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.206 are each amended to read as follows:

In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section shall be subject to the review and ~~((favorable recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 84. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of seventeen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Six of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, and a representative of the ~~((council for postsecondary education))~~ higher education coordinating board.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 85. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee and coordinate the high-technology education and training program.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(b) Identify economic areas with high-technology industries in need of technical training critical to economic renewal or economic development and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the ~~((council for postsecondary education))~~ higher education coordinating board during the ~~((council's))~~ board's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the ~~((council for postsecondary education))~~ higher education coordinating board over the review of new degree programs as established in RCW 28B.80.035; and

~~((Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources; and~~

~~((g))~~ Prepare and submit to the legislature before the first day of each regular session an annual report on the Washington high-technology education and training program including, but not limited to:

(i) An evaluation of the program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

Sec. 86. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 87. Section 4, chapter 174, Laws of 1975 1st ex. sess. as amended by section 3, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the ~~((council on))~~ higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said

commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 88. Section 12, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 151, Laws of 1979 and RCW 28C.04.510 are each amended to read as follows:

The governor is hereby authorized, with the advice of the office of financial management to determine to which of the following state agencies those functions of the coordinating council for occupational education not (~~herein~~) transferred by chapter 174, Laws of 1975 1st ex. sess. to the commission for vocational education shall be transferred: The (~~council on~~) higher education coordinating board; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges; the employment security department; the state library, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this chapter shall remain within the jurisdiction of the commission.

NEW SECTION, Sec. 89. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.240;

(2) Section 3, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.244;

(3) Section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010;

(4) Section 2, chapter 277, Laws of 1969 ex. sess., section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020;

(5) Section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030;

(6) Section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040;

(7) Section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120; and

(8) Section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220.

NEW SECTION, Sec. 90. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 197, Laws of 1983 and RCW 43.131.259; and

(2) Section 29, chapter 197, Laws of 1983 and RCW 43.131.260.

NEW SECTION, Sec. 91. Sections 1 through 90 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Section 90 of this act shall take effect June 30, 1985. Section 45 of this act shall take effect July 1, 1986. The remainder of sections 1 through 90 of this act shall take effect January 1, 1986, but the governor may take any steps beginning July 1, 1985, that may be necessary to ensure that sections 1 through 90 of this act are implemented on their effective date."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the motion by Senator Rinehart to not adopt the Committee on Education amendment to Engrossed House Bill No. 331.

The motion by Senator Rinehart carried and the committee amendment was not adopted.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 331 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Rinehart, looking at this, we're striking language like, 'The University of Washington and Washington State University shall embrace as major'--'liberal arts and pure sciences' has been deleted--'mining as well as home economics.' What's the meaning of all this?"

Senator Rinehart: "There are statutes that were designed in 1917 and the purpose was to restrict each of the universities to teaching only those subjects. In theory, without removing those statutes, only those research institutions which have those course titles listed in statutes would be allowed to offer them. For instance, another thing in that same category, it changed--it deletes commerce, journalism and marine engineering from being offered only at the University of Washington. With the 1917 language, according to that, liberal arts, pure sciences and home economics would be exclusive only to Washington State University and the University of Washington."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 331.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 331 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Hayner - 1.

Excused: Senators Granlund, McManus, Moore, Saling - 4.

ENGROSSED HOUSE BILL NO. 331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:14 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, April 19, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 19, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Conner, Craswell, McManus, Pullen and Sellar. On motion of Senator von Reichbauer, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Noel and David Hong, presented the Colors. Reverend Lester G. Olson, senior pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 18, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3580,

SENATE BILL NO. 3596,

SENATE BILL NO. 4152,

SUBSTITUTE SENATE BILL NO. 4190,

SENATE BILL NO. 4216,

SENATE BILL NO. 4236,

SENATE BILL NO. 4259,

SUBSTITUTE SENATE BILL NO. 4294,

SUBSTITUTE SENATE BILL NO. 4314, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 18, 1985

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3282,

SENATE BILL NO. 3830,

SENATE BILL NO. 4278, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 17, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE JOINT MEMORIAL NO. 104, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4114.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1153, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Barrett, Barnes, Miller, Vander Stoep, Betzoff, Sanders, Hargrove, Wineberry and Brough) (by Secretary of State request)

Facilitating registration and voting by handicapped persons.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1153.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1153 and the bill passed the Senate by the following vote: Yeas, 43; absent, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Benitz, Conner, Craswell, McManus, Pullen, Stratton - 6.

SUBSTITUTE HOUSE BILL NO. 1153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 767, by Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick, Lewis, Dellwo, West, Schmidt, Crane, Wang, G. Nelson, Niemi and Day)

Revising laws on criminal profiteering.

The bill was read the second time.

## MOTIONS

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

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. A new section is added to chapter 9A.82 RCW to read as follows:  
This chapter shall be known as the criminal profiteering act.

Sec. 2. Section 1, chapter 270, Laws of 1984 and RCW 9A.82.010 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

~~(11) ("Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though the persons may not know each other's identity, or membership in the combination changes from time to time, or one or more members may stand in a wholesaler-retailer or other arm's-length relationship with others as to activities or dealings between or among themselves in an illicit operation.~~

~~(12) "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, in conduct which violates any one or more provisions of any felony statute of this state.~~

~~(13) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.~~

~~(14) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.~~

~~(15) "Financial institution" means any bank, trust company, savings and loan association, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.~~

~~(16) "Racketeering" (14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, (which) that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, (involving) as any of the following:~~

~~(a) (Homicide) Murder, as defined in RCW 9A.32.030 and 9A.32.050;~~

~~(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;~~

~~(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;~~

~~(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;~~

~~(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;~~

~~(f) Child selling or child buying, as defined in RCW 9A.64.030;~~

~~(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;~~

~~(h) Gambling, as defined in RCW 9.46.220 and 9.46.230;~~

~~(i) Usury;~~

~~(j) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;~~

~~(k) Extortionate extension of credit, as defined in RCW 9A.82.020;~~

~~(l) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;~~

~~(m) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;~~

~~(n) Collection of an unlawful debt, as defined in section 6 of this act;~~

~~(o) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;~~

~~(p) Trafficking in (explosives, weapons, or) stolen property, as defined in RCW 9A.82.050;~~

~~(q) Leading organized crime, as defined in RCW 9A.82.060;~~

~~(r) Obstructing (or hindering) criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;~~

~~(s) Asserting false claims including, not but limited to, false claims asserted through fraud or arson;~~

~~(t) False statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands;~~

~~(u) Resale of realty with intent to defraud;~~

~~(v) Fraud in the purchase or sale of securities;~~

~~(w) Sale of unregistered securities or real property securities and transactions involving such securities by unregistered dealers or salespersons;~~

~~(x) A scheme or artifice to defraud;~~

~~(y) Obscenity;~~

~~(z) Child pornography;~~

~~(aa) Prostitution; or~~

~~(ab) Arson; (r) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;~~

(s) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(t) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(u) Arson, as defined in RCW 9A.48.020 and 9A.48.030; or

(v) Assault, as defined in RCW 9A.36.010 and 9A.36.020.

~~((#7)) (15) "Pattern of ((racketeering activity" requires at least two acts of racketeering activity, one of which occurred after July 1, 1985, and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity)) criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.~~

~~((#8)) (16) "Records" means any book, paper, writing, record, computer program, or other material.~~

~~((#9)) (17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.~~

~~((#20)) (18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in ((whole)) full or in part because the debt was incurred or contracted:~~

~~(a) In violation of any one of the following:~~

~~(i) Chapter 67.16 RCW relating to horse racing;~~

~~(ii) Chapter 9.46 RCW relating to gambling; ((or~~

~~(iii) Chapter 19.52 RCW relating to interest and usury; or))~~

~~(b) In a gambling activity in violation of federal law ((or in the business of lending money at a rate usurious under federal or state law)); or~~

~~(c) In connection with the business of lending money or a thing of value at a rate that is usurious under chapter 19.52 RCW or federal law and is at least twice the enforceable rate.~~

~~((#21)) (19)(a) "Beneficial interest" means:~~

~~(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;~~

~~(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or~~

~~(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.~~

~~(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.~~

~~(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.~~

~~((#22)) (20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.~~

~~((#23)) (21) (a) "Trustee" means:~~

~~(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;~~

~~(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or~~

~~(iii) A successor trustee to a person who is a trustee under subsection (((#23)))(21)(a)(i) or (ii) of this section.~~

~~(b) "Trustee" does not mean a person appointed or acting as:~~

~~(i) A personal representative under Title 11 RCW;~~

~~(ii) A trustee of any testamentary trust; ((or))~~

~~(iii) A trustee of any indenture of trust under which a bond is issued; or~~

~~(iv) A trustee under a deed of trust.~~

Sec. 3. Section 2, chapter 270, Laws of 1984 and RCW 9A.82.020 are each amended to read as follows:

(1) A person who knowingly makes an extortionate extension of credit is guilty of a class B felony.

(2) In a prosecution under this section, if it is shown that all of the following factors are present in connection with the extension of credit, there is prima facie evidence that the extension of credit was extortionate:

(a) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable at the time the extension of credit was made through civil judicial processes against the debtor in the county in which the debtor, if a natural person, resided or in every county in which the debtor, if other than a natural person, was incorporated or qualified to do business.

(b) The extension of credit was made at a rate of interest in excess of an annual rate of forty-five percent calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

~~(c) ((At the time the extension of credit was made, the debtor reasonably believed that either of the following:~~

~~(i) One or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment had been punished by extortionate means;~~

~~(ii) The creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof)) The creditor intended the debtor to believe that failure to comply with the terms of the extension of credit would be enforced by extortionate means.~~

(d) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded one hundred dollars.

~~((3) In a prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (2)(a) or (b) of this section; and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension:))~~

Sec. 4. Section 3, chapter 270, Laws of 1984 and RCW 9A.82.030 are each amended to read as follows:

A person who ~~((knowingly))~~ advances money or property, whether as a gift, loan, investment, or pursuant to a partnership or profit-sharing agreement or otherwise, to any person, with ~~((reasonable grounds to believe))~~ the knowledge that it is the intention of that person to use the money or property so advanced, directly or indirectly, for the purpose of making extortionate extensions of credit, is guilty of a class B felony.

Sec. 5. Section 4, chapter 270, Laws of 1984 and RCW 9A.82.040 are each amended to read as follows:

~~((4))~~ A person who knowingly participates in any way in the use of any extortionate means to collect or attempt to collect any extensions of credit or to punish any person for the nonrepayment thereof, is guilty of a class B felony.

~~((2) In a prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment was punished by extortionate means:~~

~~(3) In a prosecution under this section, if evidence has been introduced tending to show the existence at the time the extension of credit in question was made of the circumstances described in RCW 9A.82.020(2) (a) or (b), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection:))~~

NEW SECTION. Sec. 6. A new section is added to chapter 9A.82 RCW to read as follows:

It is unlawful for any person knowingly to collect any unlawful debt. A violation of this section is a class C felony.

Sec. 7. Section 6, chapter 270, Laws of 1984 and RCW 9A.82.060 are each amended to read as follows:

(1) A person commits the offense of leading organized crime by:

(a) Intentionally organizing, managing, directing, supervising, or financing ~~((a criminal syndicate))~~ any five or more persons with the intent to engage in a pattern of criminal profiteering activity; or

(b) ~~((knowingly)) Intentionally~~ inciting or inducing others to engage in violence or intimidation ~~((to promote or further the objectives of a criminal syndicate))~~ with the intent to further or promote the accomplishment of a pattern of criminal profiteering activity.

(2) ~~((A person shall not be convicted under this section on the basis of accountability as an accomplice unless the person aids or participates in violating this section in one of the ways specified.~~

~~((3)) Leading organized crime as defined in subsection (1)(a) of this section is a class A felony, and as defined in subsection (1)(b) of this section is a class B felony.~~

Sec. 8. Section 8, chapter 270, Laws of 1984 and RCW 9A.82.080 are each amended to read as follows:

(1) It is unlawful for a person who has knowingly received any of the proceeds derived, directly or indirectly, from a pattern of ~~((racketeering))~~ criminal profiteering activity ~~((or through the collection of an unlawful debt))~~ to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for a person ~~((through a pattern of racketeering activity or through the collection of an unlawful debt;))~~ knowingly to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through a pattern of criminal profiteering activity.

(3) It is unlawful for a person knowingly to conspire or attempt to violate subsection (1) or (2) of this section.

(4) A ~~((knowing))~~ violation of subsection (1) or (2) of this section is a class B felony. A ~~((knowing))~~ violation of subsection (3) of this section is a class C felony.

NEW SECTION. Sec. 9. A new section is added to chapter 9A.82 RCW to read as follows:

In a criminal prosecution alleging a violation of RCW 9A.82.060 or 9A.82.080, the state is barred from joining any offense other than the offenses alleged to be part of the pattern of criminal profiteering activity. When a defendant has been tried criminally for a violation of RCW 9A.82.060 or 9A.82.080, the state is barred from subsequently charging the defendant with an offense that was alleged to be part of the pattern of criminal profiteering activity for which he or she was tried.

Sec. 10. Section 9, chapter 270, Laws of 1984 and RCW 9A.82.090 are each amended to read as follows:

During the pendency of any criminal case charging ~~((an offense included in the definition of racketeering in RCW 9A.82.010))~~ a violation of RCW 9A.82.060 or a violation of RCW 9A.82.080, the superior court may, in addition to its other powers, issue an order pursuant to RCW 9A.82.100 (2) or (3). Upon conviction of a person for ~~((an offense included in the definition of racketeering))~~ a violation of RCW 9A.82.060 or a violation of RCW 9A.82.080, the superior court may, in addition to its other powers of disposition, issue an order pursuant to RCW 9A.82.100.

Sec. 11. Section 10, chapter 270, Laws of 1984 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by ~~((racketeering))~~ an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of ~~((treble))~~ damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: ~~((a))~~ (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or ~~((b))~~ (ii) to prevent, restrain, or remedy ~~((racketeering))~~ a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of ~~((treble))~~ damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy ~~((racketeering))~~ a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars ~~((upon proof of the violation))~~, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy ~~((racketeering))~~ a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, ~~((the))~~ orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping

the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, ~~((the))~~ orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitution of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of ~~((treble))~~ actual damages sustained to those persons injured by ~~((racketeering or))~~ a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of ~~((any offense included in the definition of racketeering in RCW 9A.82.010))~~ a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county as appropriate ~~((to be paid to the antiracketeering revolving fund of the state or county which brings the action. If the county has not established an antiracketeering revolving fund, the payment shall be deposited in the county current expense fund))~~ to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or ~~((antiracketeering))~~ antiprofitteering revolving fund of the ~~((state or))~~ county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained ~~((by a person))~~ in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any ~~((interest in, security of, claims against or property or contractual right of any kind affording a source of influence over))~~ property, contractual right, or claim against property used to influence any enterprise ~~((which))~~ that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the ~~((definition of racketeering in RCW 9A.82.010))~~ pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or ~~((antiracketeering))~~ antiprofitteering revolving fund of the ~~((state or))~~ county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of ~~((racketeering))~~ criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or ~~((antiracketeering))~~ antiprofitteering revolving fund of the ~~((state or))~~ county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any ~~((interest in, security of, claims against or property or contractual right of any kind affording a source of influence over))~~ property, contractual right, or claim against property used to influence any enterprise ~~((which))~~ that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the ~~((definition of racketeering))~~ pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded ~~((from subsequently denying the essential allegations of the criminal offense of which the defendant was convicted))~~ in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that ~~((an appeal))~~ appellate review of the conviction and sentence has been or may be ~~((lodged upon any judgment and sentence entered thereon))~~ sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) ~~The initiation of civil proceedings ((related to violations of any offense included in the definition of racketeering or a violation of RCW 9A.82.080 shall be commenced within seven years after actual discovery of the violation)) under this section shall be commenced within two years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.~~

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the ~~((chief judge or))~~ presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section ~~((is remedial and))~~ does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) ~~((In bringing a civil action under this chapter, the attorney general or county prosecuting attorney may grant a witness immunity in exchange for testimony in the civil case. The immunity bars the use or derivative use of the witness' testimony in any subsequent criminal prosecution of the witness except for perjury or false swearing committed during the course of the testimony.))~~ Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

Sec. 12. Section 11, chapter 270, Laws of 1984 and RCW 9A.82.110 are each amended to read as follows:

(1) ~~((a) There is established in the custody of the state treasurer an antiracketeering revolving fund to be administered by the attorney general under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the attorney general. No appropriation is required for disbursements.~~

~~(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. When the fund exceeds seven hundred fifty thousand dollars, all funds in excess of the seven hundred fifty thousand dollars shall be deposited in the state general fund.~~

~~(c) The moneys in the fund shall be used by the attorney general for the investigation and prosecution of any offense, within the jurisdiction of the attorney general, included in the definition of racketeering, including civil enforcement.~~

~~(2)) Any payments or forfeiture to the state general fund ordered under RCW 9A.82.100 (4) or (5) shall be deposited in the public safety and education account.~~

(2) In an action brought by the attorney general on behalf of the state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the public safety and education account.

(3) It is the intent of the legislature that the money deposited in the public safety and education account pursuant to this chapter be appropriated to promote crime victims' compensation.

(4)(a) The county legislative authority may establish an ((antiracketeering)) antiprofitteering revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of ((racketeering)) criminal profiteering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. In an action brought by a prosecuting attorney on behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the public safety and education account in the state general fund.

(c) The county legislative authority may prescribe a maximum level of moneys in the ((antiracketeering)) antiprofitteering revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of ((racketeering)) criminal profiteering, including civil enforcement.

(e) If a county has not established an antiprofitteering revolving fund, any payments or forfeitures ordered to the county under this chapter shall be deposited to the county current expense fund.

Sec. 13. Section 12, chapter 270, Laws of 1984 and RCW 9A.82.120 are each amended to read as follows:

(1) The state, upon filing a criminal action under RCW 9A.82.060 or 9A.82.080 or a civil action under RCW 9A.82.100, may file in accordance with this section a ((racketeering)) criminal profiteering lien. A filing fee or other charge is not required for filing a ((racketeering)) criminal profiteering lien.

(2) A ((racketeering)) criminal profiteering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;

(f) A statement that the notice is being filed pursuant to this section;

(g) The amount ((which)) that the state claims in the action or, with respect to property or other interests ((which)) that the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;

(h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property ((which)) that is subject to forfeiture to the state or property in which the defendant has an interest ((which)) that is available to satisfy a judgment entered in favor of the state; and

(i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended ((racketeering)) criminal profiteering lien in accordance with this section ((which)) that identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a ((racketeering)) criminal profiteering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a ((racketeering)) criminal profiteering lien filed in accordance with this section.

(5)(a) A ((racketeering)) criminal profiteering lien is perfected against interests in personal property ((by filing the lien with the department of licensing)) in the same manner a security

interest in like property pursuant to RCW 62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305, and 62A.9-306 or as otherwise required to perfect a security interest in like property under applicable law. In the case of perfection by filing, the state shall file, in lieu of a financing statement in the form prescribed by RCW 62A.9-402, a notice of lien in substantially the following form:

**NOTICE OF LIEN**

Pursuant to RCW 9A.82.120, the state of Washington claims a criminal profiteering lien on all real and personal property of:

Name: .....

Address: .....

State of Washington

By (authorized signature)

On receipt of such a notice from the state, a filing officer shall, without payment of filing fee, file and index the notice as if it were a financing statement naming the state as secured party and the defendant as debtor.

(b) A ~~((racketeering))~~ criminal profiteering lien is perfected against interests in real property by filing the lien ~~((with the county auditor of the county in which the real property is located. The state may give such additional notice of the lien as it deems appropriate))~~ in the office where a mortgage on the real estate would be filed or recorded. The filing officer shall file and index the criminal profiteering lien, without payment of a filing fee, in the same manner as a mortgage.

(6) The filing of a ~~((racketeering))~~ criminal profiteering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) ~~((The filing of a racketeering lien under this section is notice to all persons dealing with the person or property identified in the lien of the state's claim.))~~ The lien created in favor of the state in accordance with this section ~~((is superior and prior to the claims or interests of any other person, except a person possessing:~~

~~((a) A valid lien perfected prior to the filing of the racketeering lien;~~

~~((b) In the case of real property, an interest acquired and recorded prior to the filing of the racketeering lien; or~~

~~((c) In the case of personal property, an interest acquired prior to the filing of the racketeering lien)), when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.~~

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the ~~((racketeering))~~ criminal profiteering lien ~~((with the county auditor of the county in which the real property is located))~~ or, if no ~~((racketeering))~~ criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof ~~((with the county auditor of the county in which the real property is located)); or~~

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a ~~((racketeering))~~ criminal profiteering lien in accordance with this section, whichever is earlier, but if the property was not seized and no ~~((racketeering))~~ criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.

(1) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

Sec. 14. Section 13, chapter 270, Laws of 1984 and RCW 9A.82.130 are each amended to read as follows:

~~((+))~~ (1) A trustee who ~~((receives))~~ is personally served in the manner provided for service of legal process with written notice that a lien notice has been recorded or a civil proceeding or criminal proceeding has been instituted under this chapter against any person for whom the trustee holds legal or record title to real property, shall immediately furnish to the attorney general or county prosecuting attorney the following:

- (a) The name and address of the person, as known to the trustee;
- (b) To the extent known to the trustee, the name and address of all other persons for whose benefit the trustee holds title to the real property; and
- (c) If requested by the attorney general or county prosecuting attorney, a copy of the trust agreement or other instrument under which the trustee holds legal or record title to the real property.

(2) The recording of a lien notice shall not constitute a lien on the record title to real property owned by a trustee at the time of recording except to the extent that trustee is named in and served with the lien notice as provided in subsection (1) of this section. The attorney general or county prosecuting attorney may bring a civil proceeding in superior court against the trustee to recover from the trustee the amounts set forth in RCW 9A.82.150. In addition to amounts recovered under RCW 9A.82.150, the attorney general or county prosecuting attorney also may recover its investigative costs and attorneys' fees.

(3) The recording of a lien notice does not affect the use to which real property or a beneficial interest owned by the person named in the lien notice may be put or the right of the person to receive any avails, rents, or other proceeds resulting from the use and ownership except the sale of the property, until a judgment of forfeiture is entered.

(4) This section does not apply to any conveyance by a trustee under a court order unless the court order is entered in an action between the trustee and the beneficiary.

~~(5) ((Unless a trustee receives written notice that a person having a beneficial interest in the trust is named in a lien notice or is otherwise a defendant in a civil proceeding))~~ Notwithstanding that a trustee is served with notice as provided in subsection (1) of this section, this section does not apply to:

- ~~(a) a conveyance by a trustee required under the terms of any trust agreement ((if the trust agreement is a matter of public record before a lien notice is filed; or~~
- ~~(b) A conveyance by a trustee to all persons who have a beneficial interest in the trust)) in effect before service of such notice on the trustee.~~

Sec. 15. Section 14, chapter 270, Laws of 1984 and RCW 9A.82.140 are each amended to read as follows:

(1) The term of a lien notice shall be six years from the date the lien notice is recorded. If a renewal lien notice is filed by the attorney general or county prosecuting attorney, the term of the renewal lien notice shall be for six years from the date the renewal lien notice is recorded. The attorney general or county prosecuting attorney is entitled to only one renewal of the lien notice.

(2) The attorney general or county prosecuting attorney filing the lien notice may release in whole or in part any lien notice or may release any specific property or beneficial interest from the lien notice upon such terms and conditions as the attorney general or county prosecuting attorney considers appropriate and shall release any lien upon the dismissal of the action which is the basis of the lien or satisfaction of the judgment of the court in the action or other final disposition of the claim evidenced by the lien. A release of a lien notice executed by the attorney general or county prosecuting attorney shall be recorded in the official records in which the lien notice covering that property was recorded. No charge or fee may be imposed for recording any release of a lien notice.

(3) (a) A person named in the lien notice may move the court in which the civil proceeding giving rise to the lien notice is pending for an order extinguishing the lien notice.

(b) Upon the motion of a person under (a) of this subsection, the court immediately shall enter an order setting a date for hearing, which shall be not less than five nor more than ten days after the motion is filed. The order and a copy of the motion shall be served on the attorney general or county prosecuting attorney within three days after the entry of the court's order. At the hearing, the court shall take evidence on the issue of whether any property or beneficial interest owned by the person is covered by the lien notice or otherwise subject to forfeiture under RCW 9A.82.120. If the person shows by a preponderance of the evidence that the lien notice is not applicable to the person or that any property or beneficial interest owned by the person is not subject to forfeiture under RCW 9A.82.120, the court shall enter a judgment extinguishing the lien notice or releasing the property or beneficial interest from the lien notice.

(c) The court may enter an order releasing from the lien notice any specific real property or beneficial interest if, at the time the lien notice is recorded, there is pending an arms length sale of the real property or beneficial interest in which the parties are under no undue compulsion to sell or buy and are able, willing, and reasonably well informed and the sale is for the fair market value of the real property or beneficial interest and the recording of the lien notice prevents the sale of the property or interest. The proceeds resulting from the sale of the real property or beneficial interest shall be deposited with the court, subject to the further order of the court.

~~(d) At ((the hearing held pursuant to (b) of this subsection, if) any time after filing of a lien, the court ((releases)) may release from the lien ((notice)) any property ((or beneficial interest, the person shall post)) upon application by the defendant and posting of security equal to the ((fair market)) value of the property ((or beneficial interest owned by the person)) to be released.~~

Sec. 16. Section 15, chapter 270, Laws of 1984 and RCW 9A.82.150 are each amended to read as follows:

(1) ~~If a trustee conveys title to real property for which, at the time of the conveyance, ((a lien notice has been recorded in the county in which the real property is situated and the notice names a person who the trustee knows holds a beneficial interest in the trust)) the trustee has been personally served with notice as provided in RCW 9A.82.130(1) of a lien under this chapter, the trustee shall be liable to the state for the greater of:~~

(a) The amount of proceeds received by the person named in the lien notice as a result of the conveyance;

(b) The amount of proceeds received by the trustee as a result of the conveyance and distributed by the trustee to the person named in the lien notice; or

(c) The fair market value of the interest of the person named in the lien notice in the real property so conveyed.

(2) ~~If the trustee conveys the real property for which a lien notice has been ((recorded)) served on the trustee at the time of the conveyance and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or beneficiary's designee, the trustee's liability shall not exceed the amount of the proceeds so held so long as the trustee continues to hold the proceeds.~~

Sec. 17. Section 16, chapter 270, Laws of 1984 and RCW 9A.82.160 are each amended to read as follows:

A trustee who knowingly fails to comply with RCW 9A.82.130(1) is guilty of a gross misdemeanor. A trustee who conveys title to real property after service of the notice as provided in RCW 9A.82.130(1) with the intent to evade the provisions of RCW 9A.82.100 or 9A.82.120 with respect to such property is guilty of a class C felony.

Sec. 18. Section 17, chapter 270, Laws of 1984 and RCW 9A.82.170 are each amended to read as follows:

~~(1) ((A custodian of the records of a financial institution shall, at no expense to the financial institution, produce for inspection or copying the records in the custody of the financial institution when requested to be inspected by the attorney general or a county prosecuting attorney; provided the person requesting the information has served a subpoena issued by a court or obtained a court order for the information. The attorney general or a county prosecuting attorney or any peace officer or other person designated by the county prosecuting attorney or the attorney general shall be prohibited from using or releasing the information except in the proper discharge of official duties. If directed by the court in the subpoena or court order, neither the custodian nor any other employee of the institution shall disclose to the institution's customer the fact that the customer's records have been examined or copied. The furnishing of records in compliance with this section by a custodian of records is a bar to civil or criminal liability against the custodian or financial institution in any action brought alleging violation of the confidentiality of the records.~~

(2)) In connection with an investigation under this chapter, relevant records of a financial institution may be subpoenaed pursuant to a subpoena signed by a superior court judge upon request by the attorney general or a county prosecuting attorney. A response to such a subpoena is sufficient if a copy, duly authenticated by an officer of the financial institution as a true and correct copy of its records, is provided, unless otherwise provided in the subpoena for good cause shown. If any records are subpoenaed, unless excused under subsection (2) of this section, the person requesting the subpoena shall deliver in person or by mail a copy of the subpoena to the customer of the financial institution about whom the records sought relate.

(2) A judge of the superior court may excuse the attorney general or prosecuting attorney from advising the financial institution's customer of the subpoena and order the financial institution to not advise or disclose to its customer that the records concerning the customer have been subpoenaed, upon a showing of good cause. Disclosure by the financial institution of the subpoena of its records to its customer by any of its employees, after receipt of a court order barring such disclosure, is a misdemeanor.

(3) A financial institution shall be reimbursed in an amount set by the court for reasonable costs incurred in providing information pursuant to this section.

(4) This section does not preclude the use of other legally authorized means of obtaining records, nor preclude the assertion of any legally recognized privileges.

(5) Disclosure by the attorney general, county prosecuting attorney, or any peace officer or other person designated by the attorney general or the county prosecuting attorney, of information obtained under this section, except in the proper discharge of official duties as provided in subsection (1) of this section, is ((a misdemeanor)) punishable as a contempt of court.

((3) Disclosure by the custodian or employee of the financial institution contrary to subsection (1) of this section is a misdemeanor.

(4) This section does not preclude the use of any other legally authorized means of obtaining the information.))

(6) Upon filing of any civil or criminal action, the nondisclosure requirements of any subpoena or order under this section shall terminate, and the attorney general or prosecuting attorney filing the action shall provide to the defendant copies of all subpoenas or other orders issued under this section.

Sec. 19. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 18, chapter 270, Laws of 1984 and RCW 9A.04.080 are each amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within five years after their commission; ~~((for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission;))~~ for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 20. Section 21, chapter 270, Laws of 1984 and RCW 9A.82.901 are each amended to read as follows:

((This act) Sections 12, 13, 14, 15, and 16, chapter 270, Laws of 1984 as amended by sections 13, 14, 15, 16, and 17 of this 1985 act shall take effect on July 1, 1986, and the remainder of chapter 270, Laws of 1984 shall take effect on July 1, 1985.

NEW SECTION. Sec. 21. With the exception of sections 13, 14, 15, 16, and 17 of this act, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

NEW SECTION. Sec. 22. The following acts or parts of acts as they now exist or are hereafter amended are each repealed effective July 1, 1995.

- (1) Section 1, chapter 270, Laws of 1984, section 2 of this 1985 act and RCW 9A.82.010;
  - (2) Section 2, chapter 270, Laws of 1984, section 3 of this 1985 act and RCW 9A.82.020;
  - (3) Section 3, chapter 270, Laws of 1984, section 4 of this 1985 act and RCW 9A.82.030;
  - (4) Section 4, chapter 270, Laws of 1984, section 5 of this 1985 act and RCW 9A.82.040;
  - (5) Section 6 of this 1985 act and RCW 9A.82.\_\_\_\_;
  - (6) Section 5, chapter 270, Laws of 1984 and RCW 9A.82.050;
  - (7) Section 6, chapter 270, Laws of 1984, section 7 of this 1985 act and RCW 9A.82.060;
  - (8) Section 7, chapter 270, Laws of 1984 and RCW 9A.82.070;
  - (9) Section 8, chapter 270, Laws of 1984, section 8 of this 1985 act and RCW 9A.82.080;
  - (10) Section 9 of this 1985 act and RCW 9A.82.\_\_\_\_;
  - (11) Section 9, chapter 270, Laws of 1984, section 10 of this 1985 act and RCW 9A.82.090;
  - (12) Section 10, chapter 270, Laws of 1984, section 11 of this 1985 act and RCW 9A.82.100;
  - (13) Section 11, chapter 270, Laws of 1984, section 12 of this 1985 act and RCW 9A.82.110;
  - (14) Section 12, chapter 270, Laws of 1984, section 13 of this 1985 act and RCW 9A.82.120;
  - (15) Section 13, chapter 270, Laws of 1984, section 14 of this 1985 act and RCW 9A.82.130;
  - (16) Section 14, chapter 270, Laws of 1984, section 15 of this 1985 act and RCW 9A.82.140;
  - (17) Section 15, chapter 270, Laws of 1984, section 16 of this 1985 act and RCW 9A.82.150;
  - (18) Section 16, chapter 270, Laws of 1984, section 17 of this 1985 act and RCW 9A.82.160;
  - (19) Section 17, chapter 270, Laws of 1984, section 18 of this 1985 act and RCW 9A.82.170;
  - (20) Section 20, chapter 270, Laws of 1984 and RCW 9A.82.900;
  - (21) Section 21, chapter 270, Laws of 1984, section 20 of this 1985 act and RCW 9A.82.901;
- and
- (22) Section 1 of this 1985 act and RCW 9A.82.\_\_\_\_.

**NEW SECTION.** Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse, Hayner and Metcalf to the Committee on Judiciary amendment was adopted:

On page 3, line 4 of the amendment, after "association," insert "savings bank."

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse, Hayner and Metcalf to the Committee on Judiciary amendment was adopted:

On page 6, line 4, after "is" strike all material down to and including "rate" on line 5 and insert "at least twice the permitted rate under the applicable state or federal law relating to usury"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse, Hayner and Metcalf to the Committee on Judiciary amendment was adopted:

On page 9, line 18 of the amendment, strike "five" and insert "three"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse, Hayner and Metcalf to the Committee on Judiciary amendment was adopted:

On page 27, line 23, strike "contempt of court" and insert "misdemeanor"

Senator Hayner moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 14, line 32 of the amendment, strike "two" and insert "four"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hayner to the Committee on Judiciary amendment.

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted on a rising vote.

#### MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Newhouse to the Committee on Judiciary amendment was adopted:

On page 14, line 32 of the amendment, strike "two" and insert "three"

Senator Metcalf moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 5, line 3 of the amendment, strike "five" and insert "ten"

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Senator Talmadge, you present a very good argument on the reasons against this, however, I also see some very good arguments from the Washington State Prosecuting Attorneys Association and they don't exactly jibe with your arguments. Could you tell me where they're wrong and you're right?"

Senator Talmadge: "I like those kinds of questions. Throw me another softball like that, Cliff. I'd say there is a difference in philosophy here. The question comes back to really two things on the bracket of time periods. When you start extending the time period in the way that this is suggested here, remember the prosecutor can proceed either civilly or can proceed criminally. The criminal discovery rules are very narrow. Civil discovery rules are very broad and what it means is the opportunity to go back to a very long time period, the ten-year bracket plus discovery plus three gets you back in some instances fourteen, fifteen and twenty years. We're suggesting in order to demonstrate the existence of annexes between the various kinds of crime--they're going back that far it's going to be extraordinarily difficult to prove. If you have a narrower bracketed period it's easier to make that kind of proof.

"Prosecutors, of course, would like to have the opportunity to go back infinitely, back as far as they can possibly go in every set of circumstances and

whether or not they have the opportunity to really prove that point, I tend to doubt. I think the shorter time period will make for stronger cases, better kinds of proof in the court than would be the case under the ten-year period and that seems to be the experience so far under federal recall."

Further debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

#### MOTION

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

On page 28, beginning on line 9 of the amendment, after "commission;" strike all material down to and including "commission:))" on line 10 and insert "for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission;"

On page 28, line 17 of the amendment, after "five," insert "six."

Debate ensued.

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

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

#### MOTION

Senator Halsan moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 15, line 33, after "(13)" insert "A civil action brought under this section by a prosecuting attorney or the attorney general requires an election of civil or criminal remedies under this chapter. If either a county prosecutor or the attorney general proceeds civilly, subsequent criminal prosecution for violations of this chapter is barred. If either the attorney general or a county prosecutor proceeds criminally under this chapter, subsequent separate civil proceedings under this chapter are barred."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan to the Committee on Judiciary amendment.

The motion by Senator Halsan failed and the amendment to the committee amendment was not adopted.

#### MOTION

On motion of Senator Talmadge, the following amendments by Senators Talmadge, Hayner and Newhouse to the Committee on Judiciary amendment were considered simultaneously and adopted.

On page 26, line 28 of the amendment, after "(2))" strike all material down to and including the period on page 27, line 11 and insert "Upon request of the attorney general or prosecuting attorney, a subpoena for the production of records of a financial institution may be signed and issued by a superior court judge if there is reason to believe that an act of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 has occurred or is occurring and that the records sought will materially aid in the investigation of such activity or appears reasonably calculated to lead to the discovery of information that will do so. The subpoena shall be served on the financial institution as in civil actions. The court may, upon motion timely made and in any event before the time specified for compliance with the subpoena, condition compliance upon advancement by the attorney general or prosecuting attorney of the reasonable costs of producing the records specified in the subpoena."

(2) A response to a subpoena issued under this section is sufficient if a copy or printout, duly authenticated by an officer of the financial institution as a true and correct copy or printout of its records, is provided, unless otherwise provided in the subpoena for good cause shown.

(3) Except as provided in this subsection, a financial institution served with a subpoena under this section shall not disclose to the customer the fact that a subpoena seeking records relating to the customer has been served. A judge of the superior court may order the attorney general, prosecuting attorney, or financial institution to advise the financial institution's customer of the subpoena. Unless ordered to do so by the court, disclosure of the subpoena by the financial institution or any of its employees to the customer is a misdemeanor."

Renumber the remaining subsections consecutively.

On page 27, line 22 of the amendment, strike "as provided in subsection (1) of this section"

On page 27, after line 33 of the amendment, insert the following:

"(7) A financial institution shall not be civilly liable for harm resulting from its compliance with the provisions of this chapter."

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

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

#### MOTIONS

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

On page 1, beginning on line 1 of the title, after "profiteering;" strike the remainder of the title and insert "amending RCW 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.060, 9A.82.080, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.170, 9A.04.080, and 9A.82.901; adding new sections to chapter 9A.82 RCW; repealing RCW 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.\_\_\_\_, 9A.82.050, 9A.82.060, 9A.82.070, 9A.82.080, 9A.82.\_\_\_\_, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.170, 9A.82.900, 9A.82.901, and 9A.82.\_\_\_\_; prescribing penalties; providing effective dates; and declaring an emergency."

On motion of Senator Zimmerman, Senator Guess was excused.

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

Debate ensued.

#### POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, the amendment to page 27, line 33, is a striking amendment which specifically provides that a financial institution cannot be civilly liable for harm resulting in its compliance with the section of the bill authorizing the subpoena of a financial institution's record. Is it your intent, by giving financial institutions immunity under this statute and in this type of investigation, to impliedly recognize that a financial institution's compliance with other similar statutory provisions that do not contain such an immunity clause, for example, the special inquiry judge statute, can give rise to civil liability?"

Senator Talmadge: "No."

Senator Halsan: "Senator Talmadge, as an additional question, I note that new language on page 16, lines 21 and 22 of the committee striking amendment specifically provides that a party to an action for damages under this act brought by a private citizen or the attorney general or prosecuting attorney has the right to a jury trial. If a forfeiture action is brought by a prosecutor or the attorney general in connection with such an action, or if the prosecutor or attorney general also seeks some form of equitable relief in connection with such an action, is it your intent that the right to a jury trial extends to those matters as well?"

Senator Talmadge: "No, the right to a jury trial is intended to extend only to questions of liability in damage actions and the determination of actual damages not to forfeiture proceedings or to proceedings seeking some form of equitable relief."

Further debate ensued.

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

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 767, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Halsan - 1.

Absent: Senators Sellar, Stratton - 2.

Excused: Senator Guess - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 767, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1077 and the pending striking amendment by Senator McDermott, deferred April 18, 1985.

## MOTIONS

On motion of Senator McDermott, the following amendments to the McDermott amendment were considered simultaneously and adopted:

On page 9, line 6, after "section" strike "44" and insert "11"

On page 11, line 16, after "section" strike "49" and insert "16"

On page 15, line 2, after "section" strike "58" and insert "25"

On page 24, line 18, after "section" strike "53" and insert "20"

On page 28, line 1, after "section" strike "76" and insert "43"

Senator Kiskaddon moved that the following amendment by Senators Kiskaddon and Deccio to the McDermott amendment be adopted:

On page 8, after line 11, insert a new section to read as follows:

"Sec. 23. Section 43, chapter 41, Laws of 1983 1st Ex. Sess.; section 2, chapter 235, Laws of 1983; section 1, chapter 119, Laws of 1982; section 2, chapter 139 Laws of 1980; section 2, chapter 161, Laws of 1979 1st Ex. Sess. are each amended to read as follows:

70.38.025 DEFINITIONS. When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capitol expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93-641.

(4) "Department" means the state department of social and health services.

(5) "Expenditure minimum" means for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Federal law" means Public Law 93-641, as amended, or its successor.

(7) "Health care facility" means (~~hospices~~) hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, (~~and home health agencies~~) and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include

Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least five hundred thousand dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: \*PROVIDED, That no new health care facility may be initiated as an institutional health service.

(12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule; except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act:

(13) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(14) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(15) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(16) "Regional health council" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state and which is capable of performing each of the functions described in RCW 70.38.085. A regional health council shall have a governing body for health planning which is composed of a majority (but not more than sixty percent of the members) of persons who are residents of the health service area served by the entity; who are consumers of health care; who are broadly representative of the social, economic, linguistic, and racial populations, and geographic areas of the health service area, and major purchasers of health care; and who are not, nor within the twelve months preceding appointment have been, providers of health care. The remainder of the members shall be residents of the health service area served by the agency who are providers of health care.

(17) "Regional health plan" means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) "State health plan" means a document developed in accordance with RCW 70.38.065." Renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Kiskaddon and Deccio to the McDermott amendment.

The motion by Senator Kiskaddon failed and the amendment to the amendment was not adopted on a rising vote.

#### MOTION

Senator McDonald moved that the following amendment to the McDermott amendment be adopted:

On page 9, beginning on line 19, strike all material through "1985", page 29, line 4.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDonald to the McDermott amendment.

#### ROLL CALL

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

Voting yea: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 24.

Absent: Senators Barr, Vognild - 2.

#### MOTION

Senator Rasmussen moved that the following amendments to the McDermott amendment be considered simultaneously and adopted:

On page 22, line 10, strike everything beginning on line 10 down through "treasury" on line 19 and renumber the remaining sections accordingly.

On page 25, line 13, after "sections, strike the number "31"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Rasmussen to the McDermott amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 25; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Peterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 23.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 25.

Absent: Senator Newhouse - 1.

#### MOTION

Senator Rasmussen moved that the following amendment to the McDermott amendment be adopted:

On page 22, line 17, after "cigarette" strike the period and insert the following:

": PROVIDED HOWEVER, That the tax levied under this section shall take effect only if the federal excise tax on small cigarettes in affect on October 1, 1985, under 26 U.S.C. Sec 5701 (b) (1) is four dollars per thousand or less."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen.

## ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Peterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 23.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 25.

Absent: Senator Deccio - 1.

## MOTIONS

On motion of Senator McDermott, the following amendments to the McDermott amendment were considered simultaneously and adopted:

On page 25, line 16 of the amendment, after "of" strike "sixty" and insert "thirty"  
On page 25, line 19 of the amendment strike all material through line 22

Senator Bluechel moved that the following amendment to the McDermott amendment be adopted:

On page 27, line 26, Section 74, after "repealed:" insert the following and renumber the remaining subsections accordingly:

\*(1) Section 1, chapter 161, Laws of 1979, ex. sess., section 1, chapter 139, Laws of 1980, section 1, chapter 235, Laws of 1983 and RCW 70.38.015;

\*(2) Section 2, chapter 161, Laws of 1979, ex. sess., section 1, chapter 119, Laws of 1982, section 2, chapter 235, Laws of 1983, section 43, chapter 41, Laws of 1983 1st ex. sess. and RCW 70.38.025;

\*(3) Section 3, chapter 161, Laws of 1977, ex. sess., section 3, chapter 235, Laws of 1983 and RCW 70.38.015;

\*(4) Section 4, chapter 161, Laws of 1979, ex. sess., section 3, chapter 139, Laws of 1980, section 4, chapter 235, Laws of 1983 and RCW 70.38.045;

\*(5) Section 5, chapter 161, Laws of 1979, ex. sess., section 4, chapter 139, Laws of 1980 and RCW 70.38.055;

\*(6) Section 6, chapter 161, Laws of 1979, ex. sess., section 5, chapter 139, Laws of 1980, section 5, chapter 235, Laws of 1983 and RCW 70.38.065;

\*(7) Section 8, chapter 161, Laws of 1979, ex. sess., section 6, chapter 139, Laws of 1980, section 6, chapter 235, Laws of 1983 and RCW 70.38.085;

\*(8) Section 9, chapter 161, Laws of 1979 and RCW 70.38.095;

\*(9) Section 10, chapter 161, Laws of 1979, ex. sess., section 7, chapter 139, Laws of 1980, section 2, chapter 119, Laws of 1982, section 7, chapter 235, Laws of 1983 and RCW 70.38.105;

\*(10) Section 9, chapter 139, Laws of 1980, section 3, chapter 119, Laws of 1982 and RCW 70.38.111;

\*(11) Section 11, chapter 161, Laws of 1979, ex. sess., section 8, chapter 139, Laws of 1980, section 8, chapter 235, Laws of 1983 and RCW 70.38.105;

\*(12) Section 12, chapter 161, Laws of 1979, ex. sess., section 10, chapter 139, Laws of 1980, section 9, chapter 235, Laws of 1983 and RCW 70.38.125;

\*(13) Section 13, chapter 161, Laws of 1979, ex. sess., section 10, chapter 235, Laws of 1983 and RCW 70.38.135;

\*(14) Section 14, chapter 161, Laws of 1979, ex. sess. and RCW 70.38.145;

\*(15) Section 15, chapter 161, Laws of 1979, ex. sess. and RCW 70.38.155;

\*(16) Section 11, chapter 139, Laws of 1980 and RCW 70.38.156;

\*(17) Section 11, chapter 235, Laws of 1983 and RCW 70.38.157;

\*(18) Section 16, chapter 161, Laws of 1979 ex. sess. section 12, chapter 235, Laws of 1983 and RCW 70.38.905;

\*(19) Section 16, chapter 161, Laws of 1979 ex. sess. section 13, chapter 235, Laws of 1983 and RCW 70.38.910;

\*(20) Section 12, chapter 139, Laws of 1980 and RCW 70.38.911;

\*(21) Section 14, chapter 235, Laws of 1983 and RCW 70.38.914;

\*(22) Section 19, chapter 161, Laws of 1979, ex. sess. and RCW 70.38.915;

\*(23) Section 14, chapter 139, Laws of 1980 and RCW 70.38.916;

\*(24) Section 22, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.920;

Debate ensued.

Senators Bottiger, McDermott and Talmadge demanded the previous question and the demand was sustained.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the McDermott amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 29.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDermott, as amended.

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

#### MOTION

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

On page 1, on line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 82.24.020, 82.24.070, and 82.02.030; reenacting and amending RCW 82.24.260; adding a new chapter to Title 43 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.44 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 70.39 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 28A.47.440 and 82.24.025; making appropriations; providing expiration dates; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, could you explain to the body what's left in the bill?"

Senator McDermott: "The bill as it is now before us is a health cost-containment unit in the Governor's Office of Fiscal Management. It has no certificate-of-need implications any more. It has a basic health plan which would affect 30,000 people under a plan that would be designed over the next eight months by a nine member board appointed by the Governor. That plan would have to come back to the legislature. We put 30 million dollars into this to fund that program and it is a basic health-care plan, not any kind of a cadillac program. We've put in recommendations that would be under a managed health-care system and that it be in twelve areas with statewide representation."

Further debate ensued.

Senators Bottiger, Conner and Wojahn demanded the previous question and the demand was not sustained.

Further debate on Engrossed Substitute House Bill No. 1077, as amended by the Senate, ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1077, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Peterson, Rinehart, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 28.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer - 20.

Absent: Senator Guess - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced the Miss Washington-U.S.A. pageant winner, Miss Sherry Rials, of Bellevue who was seated next to him on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Miss Rials to address the Senate.

President Cherberg assumed the chair.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1169, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, J. King, Wineberry, D. Nelson, Sayan, Todd and Niemi)

Enacting the Community Reinvestment Act.

The bill was read the second time.

## MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered simultaneously and adopted:

On page 1, line 8, after "banks" strike, "savings banks, and savings and loan associations" and insert "and saving banks"

Beginning on page 9, strike all of sections 11, 12 and 13, and renumber the remaining sections consecutively

On page 11, beginning on line 21, strike all of subsection (3)

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

On page 1, beginning on line 4, strike all the material through "RCW;"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1169, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1169, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1169, as amended by the Senate, the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, von Reichbauer - 17.

Absent: Senators Guess, Zimmerman - 2.

SUBSTITUTE HOUSE BILL NO. 1169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1080, by Committee on State Government (originally sponsored by Representatives J. King, G. Nelson, Cole, Haugen, Basich, Silver, B. Williams, Taylor, Lundquist and Ballard) (by Governor Gardner request)

Increasing the number of certain positions exempt from state civil service law.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1080.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1080 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senators Moore, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 723, by Representatives Armstrong and D. Nelson

Modifying provisions relating to B & O tax on persons disposing of radioactive waste.

The bill was read the second time.

## MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with

respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) (a) Upon every person engaging within this state in the business of disposing of (~~low-level waste, as defined in RCW 43.145.010~~) radioactive waste; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

(b) As used in this subsection (13), "disposing" means: (i) All activities undertaken to select, construct, operate, or monitor a site located in the state of Washington designed to isolate radioactive waste in a landfill or facility dedicated to the disposal of radioactive waste; and (ii) those activities undertaken by the federal government and federal contractors pursuant to the federal nuclear waste policy act of 1982 (P.L. 97-425); and "radioactive waste" means either high level radioactive waste as defined in 42 U.S.C. Sec. 10101 (P.L. 97-425), or low level radioactive waste as defined in chapter 43.145 RCW.

(c) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

NEW SECTION. Sec. 2. This act shall take effect on October 1, 1985.\*

Debate ensued.

## MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 723 was deferred.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 141, by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Betrozoff, Cole, Holland, Valle, Schoon, Walker, Long, Hastings, P. King, Tanner, Isaacson, van Dyke, Dobbs, May and Crane) (by Superintendent of Public Instruction request)

Providing for a tenth grade achievement test.

The bill was read the second time.

## MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 278, Laws of 1984 and RCW 28A.03.360 are each amended to read as follows:

(1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(2) 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 pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an assessment to be administered annually to all grade eight students. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school programs and courses for the students and to provide comparisons within the district, the state and, if applicable, the nation. The assessment shall include but not be limited to tests in reading, mathematics, and language arts and a student interest inventory. The superintendent of public instruction shall make the results available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion.

(4) 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 students' strengths and to address areas in which individual students' skills are not as strong. The test shall include but not be limited to examinations in reading, mathematics, and language arts and a student interest inventory and may include the collection of other 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, parents, 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.

(5) The superintendent of public instruction shall test approximately two thousand students distributed throughout the state in the eleventh grade once every two years. Choice of students shall be based on a statistical random sample of students from this grade level sufficient to generalize about all of the students at the grade level from the state's school districts. The purpose of the test is to allow the public, the legislature, and school district personnel to evaluate how Washington students in this grade compare to students in the same grade tested in other comparable national achievement surveys.

((5)) (6) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grades four ~~((and)), eight, and ten~~ and shall report biennially to the legislature on the achievement levels of students in grade eleven.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, the amendment to RCW 28A.03-.360 by section 1 of this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect."

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

On page 3, line 21 of the committee amendment, after "student", insert "academic and career"

On page 3, line 23 of the committee amendment, after "other", insert "academic"

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

On page 4, beginning on line 26 of the committee amendment, strike all material through effect." on page 5, line 1.

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

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

#### MOTIONS

On motion of Senator Bender, Senator Owen was excused.

On motion of Senator Zimmerman, Senator Johnson was excused.

On motion of Senator Gaspard, the rules were suspended, Second Substitute House Bill No. 141, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 141, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 141, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McDonald, McManus, Metcalfe, Moore, Patterson, Peterson, Pullen, Rasmussen, Saling, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Craswell, Guess, Hayner, Kiskaddon, McCaslin, Newhouse, Rinehart, Sellar, Stratton, Thompson - 11.

Excused: Senators Johnson, Owen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 141, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, by Committee on Ways and Means (originally sponsored by Representatives P. King, Betrozoff, Smitherman, Wang, Leonard, Vekich, Cole, Jacobsen, Basich, Appelwick, R. King, Tilly, Winsley, Armstrong and Todd) (by Governor Gardner request)

Providing an early childhood assistance program.

The bill was read the second time.

#### MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to establish a preschool state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be

offered only as funds are available. This program is not a part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

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

(1) "Advisory committee" means the advisory committee under section 6 of this act.

(2) "At risk" means a child at least four years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal head start program.

(3) "Department" means the department of community development.

(4) "Eligible child" means an at-risk child as defined in this section who is not a participant in a federal or state program providing like educational services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the preschool program.

(5) "Approved preschool programs" means those state-supported education and special assistance programs which are recognized by the department of community development as meeting the minimum program rules adopted by the department to qualify under this chapter and are designated as eligible for funding by the department under sections 7 and 9 of this act.

**NEW SECTION, Sec. 3.** The department of community development shall administer a state-supported preschool education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved preschool programs to the extent that the legislature provides funds.

**NEW SECTION, Sec. 4.** Approved preschool programs shall receive state-funded support through the department. School districts, and existing head start grantees in cooperation with school districts, are eligible to participate as providers of the state preschool program. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the state program. Funds appropriated for the state program shall be used to establish new or expanded preschool programs, and shall not be used to supplant federally supported head start programs. Persons applying to conduct the preschool program shall identify targeted groups to be served, program components, the qualifications of instructional and special staff, facilities and equipment support, and transportation and personal care arrangements.

**NEW SECTION, Sec. 5.** The department shall establish an advisory committee composed of interested parents and representatives from the state board of education, the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other organizations as deemed necessary by the department to assist with the establishment of the preschool program.

**NEW SECTION, Sec. 6.** The department shall adopt rules under chapter 34.04 RCW for the establishment of the preschool program, not later than six months after the effective date of this act. Federal head start program criteria, to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program.

The department in developing rules for the preschool program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other preschool programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the preschool programs to provide for parental involvement at a level not less than that provided under the federal head start program criteria.

**NEW SECTION, Sec. 7.** The department shall review applications received within nine months after the effective date of this act, and designate those programs eligible to commence operation within two months of such date.

**NEW SECTION, Sec. 8.** The governor shall report to the legislature before the convening of the regular session of the legislature which commences after at least a year from the effective date of this act, on the merits of continuing and expanding the preschool program or instituting other means of providing early childhood development assistance. The office of the superintendent of public instruction shall assist the governor in the preparation of the report and shall be consulted on all issues addressed in said report. This report shall consider the experiences of federal and state preschool programs and address the preschool education recommendations submitted to the legislature during 1985.

If the governor recommends the continuation of a state-funded preschool program, then the governor's report shall include specific recommendations on at least the following issues:

(1) The desired relationships of a state-funded preschool education and assistance program with the common school system;

(2) The types of children and their needs that the program should serve;

(3) The appropriate level of state support for implementing a comprehensive preschool education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;

(4) The state administrative structure necessary to implement the program; and

(5) The establishment of a system to examine and monitor the effectiveness of preschool educational and assistance services for disadvantaged children to measure, among other elements, if possible, how the children completing this program compare to the average level of performance of all state students in their grade level, and to those at-risk students who do not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of at-risk students who do not have access to this program needing such services.

NEW SECTION, Sec. 9. For the duration of this act, the department shall award state support under sections 1 through 7 of this act to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by at least five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal "at risk" criteria. The overall program funding level shall be based on an average grant of no more than two thousand seven hundred dollars per child to cover all program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

NEW SECTION, Sec. 10. The department from funds appropriated for the administration of the program under this act shall reimburse the expenses of the advisory committee.

NEW SECTION, Sec. 11. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

NEW SECTION, Sec. 12. This act shall be known as the early childhood assistance act of 1985.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 14. Sections 1 through 11 of this act shall expire two years after the effective date of this act."

Senator Gaspard moved that the following amendments to the Committee on Education amendments be considered simultaneously and adopted:

On page 6, at the beginning of line 35 of the committee amendment, strike "shall" and insert "may"

On page 7, line 3 of the committee amendment, after "by" strike "at least" and insert "up to"

Debate ensued.

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

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

#### MOTION

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Bottiger to the Committee on Education amendment was adopted:

On page 7, after line 22 of the committee amendment insert:

"NEW SECTION, Sec. 11. The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the preschool state education and assistance program established by this act. The department shall actively solicit support from business and industry and from the federal government for the preschool state education and assistance program."

Renumber the remaining sections accordingly.

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

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

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 1078, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 1078, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 1078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar, Stratton, Zimmerman - 16.

Absent: Senator Benitz - 1.

Excused: Senators Johnson, Owen - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

#### SECOND READING

HOUSE BILL NO. 357, by Representatives Brekke, Lewis, Braddock, Brooks, Armstrong and Day (by Department of Social and Health Services request)

Establishing procedures for the disclosure by state agencies of personal records for research purposes.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. For the purposes of this chapter, the following definitions apply:

(1) "Individually identifiable" means that a record contains information which reveals or can likely be associated with the identity of the person or persons to whom the record pertains.

(2) "Legally authorized representative" means a person legally authorized to give consent for the disclosure of personal records on behalf of a minor or a legally incompetent adult.

(3) "Personal record" means any information obtained or maintained by a state agency which refers to a person and which is declared exempt from public disclosure, confidential, or privileged under state or federal law.

(4) "Research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by a scientific research professional associated with a bona fide scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(5) "Research record" means an item or grouping of information obtained for the purpose of research from or about a person or extracted for the purpose of research from a personal record.

(6) "State agency" means: (a) The department of social and health services; (b) the department of corrections; and (c) an institution of higher education as defined in RCW 28B.10.016.

NEW SECTION, Sec. 2. (1) A state agency may authorize or provide access to or provide copies of an individually identifiable personal record for research purposes if informed written consent for the disclosure has been given to the appropriate department secretary, or the president of the institution, as applicable, or his or her designee, by the person to whom the record pertains or, in the case of minors and legally incompetent adults, the person's legally authorized representative.

(2) A state agency may authorize or provide access to or provide copies of an individually identifiable personal record for research purposes without the informed consent of the person to whom the record pertains or the person's legally authorized representative, only if:

(a) The state agency adopts research review and approval rules including, but not limited to, the requirement that the appropriate department secretary, or the president of the institution, as applicable, appoint a standing human research review board competent to review research proposals as to ethical and scientific soundness; and the review board determines that the disclosure request has scientific merit and is of importance in terms of the agency's program concerns, that the research purposes cannot be reasonably accomplished without disclosure of the information in individually identifiable form and without waiver of the informed consent of the person to whom the record pertains or the person's legally authorized representative, that disclosure risks have been minimized, and that remaining risks are outweighed by anticipated health, safety, or scientific benefits; and

(b) The disclosure does not violate federal law or regulations; and

(c) The state agency negotiates with the research professional receiving the records or record information a written and legally binding confidentiality agreement prior to disclosure. The agreement shall:

(i) Establish specific safeguards to assure the continued confidentiality and security of individually identifiable records or record information;

(ii) Ensure that the research professional will report or publish research findings and conclusions in a manner that does not permit identification of the person whose record was used for the research. Final research reports or publications shall not include photographs or other visual representations contained in personal records;

(iii) Establish that the research professional will destroy the individual identifiers associated with the records or record information as soon as the purposes of the research project have been accomplished and notify the agency to this effect in writing;

(iv) Prohibit any subsequent disclosure of the records or record information in individually identifiable form except as provided in section 4 of this act; and

(v) Provide for the signature of the research professional, of any of the research professional's team members who require access to the information in identified form, and of the agency official authorized to approve disclosure of identifiable records or record information for research purposes.

**NEW SECTION, Sec. 3.** In addition to the copying charges provided in RCW 42.17.300, a state agency may impose a reasonable charge for costs incurred in providing assistance in the following research activities involving personal records:

(1) Manual or computer screening of personal records for scientific sampling purposes according to specifications provided by the research professional;

(2) Manual or computer extraction of information from a universe or sample of personal records according to specifications provided by the research professional;

(3) Statistical manipulation or analysis of personal record information, whether manually or by computer, according to specifications provided by the research professional.

The charges imposed by the agency may not exceed the amount necessary to reimburse the agency for its actual costs in providing requested research assistance.

**NEW SECTION, Sec. 4.** No research professional who has established an individually identifiable research record from personal record information pursuant to section 2(2) of this act, or who has established a research record from data or information voluntarily provided by an agency client or employee under a written confidentiality assurance for the explicit purpose of research, may disclose such a record in individually identifiable form unless:

(1) The person to whom the research record pertains or the person's legally authorized representative has given prior informed written consent for the disclosure; or

(2) The research professional reasonably believes that disclosure will prevent or minimize injury to a person and the disclosure is limited to information necessary to protect the person who has been or may be injured, and the research professional reports the disclosure to the agency; or

(3) (a) The research record is disclosed in individually identifiable form for the purposes of auditing or evaluating a research program; and

(b) The audit or evaluation is authorized or required by federal or state law or regulation or is based upon an explicit provision in a research contract, grant, or other written research agreement; and

(c) No subsequent disclosure of the research record in individually identifiable form will be made by the auditor or evaluator except as provided in this section; or

(4) The research record is furnished in compliance with a search warrant or court order: PROVIDED, That:

(a) The court issues the search warrant or judicial subpoena concerning the research record solely for the purpose of facilitating inquiry into an alleged violation of law by the research professional using the record for a research purpose or by the agency; and

(b) Any research record obtained pursuant to (a) of this subsection and any information directly or indirectly derived from the research record shall remain confidential to the extent possible and shall not be used as evidence in an administrative, judicial, or legislative proceeding except against the research professional using the record for a research purpose or against the state agency.

NEW SECTION. Sec. 5. Unauthorized disclosure, whether wilful or negligent, by a research professional who has obtained an individually identifiable personal record or record information from a state agency pursuant to section 2(2) of this act is a gross misdemeanor. In addition, violation of any provision of this chapter by the research professional or the state agency may subject the research professional or the agency to a civil penalty of not more than ten thousand dollars for each such violation.

NEW SECTION. Sec. 6. Nothing in this chapter is applicable to, or in any way affects, the powers and duties of the state auditor or the legislative budget committee.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 42 RCW.

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

Senator Pullen moved that the following amendment by Senators Pullen and Hayner to the Committee on Governmental Operations amendment be adopted:

On page 3, line 13 of the committee amendment, after "if" and before the colon insert: "the information in the record was recorded prior to the effective date of this act and"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, if I wanted to admit myself voluntarily into an alcoholic--or want to admit myself to Western State--we have voluntary programs in both instances--or a drug program, without the Pullen amendment, they would be able to reveal that I had gone into treatment?"

Senator Thompson: "Under very controlled circumstances they may, but had you gone in last week the Pullen amendment would not affect you at all."

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen and Hayner to the Committee on Governmental Operations amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 18; nays, 23; absent, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Cantu, Conner, Craswell, Guess, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 18.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 23.

Absent: Senators Benitz, Bluechel, Deccio, Moore, Newhouse, Patterson - 6.

Excused: Senators Johnson, Owen - 2.

#### MOTION

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Bailey to the Committee on Governmental Operations amendment was adopted:

On page 6, line 32, after "disclosure" strike "to" and insert "only to the person involved or the person's guardian, the person's physician, and"

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

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

#### MOTIONS

On motion of Senator von Reichbauer, Senators Barr, Guess, Hayner and Sellar were excused.

On motion of Senator Bender, Senator Talmadge was excused.

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

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "adding a new chapter to Title 42 RCW; and prescribing penalties."

On motion of Senator Thompson, the rules were suspended, House Bill No. 357, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 357, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 357, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 13; absent, 4; excused, 7.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Peterson, Rinehart, Saling, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wajahn, Zimmerman - 25.

Voting nay: Senators Bailey, Cantu, Craswell, Deccio, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen - 13.

Absent: Senators Benitz, Hansen, Moore, Stratton - 4.

Excused: Senators Barr, Guess, Hayner, Johnson, Owen, Sellar, Taimadge - 7.

HOUSE BILL NO. 357, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator Bender, Senator Fleming was excused.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 356, by Committee on Ways and Means (originally sponsored by Representatives Brekke, Lewis, B. Williams, Braddock, Brooks and Armstrong) (by Department of Social and Health Services request)

Changing provisions relating to reimbursement for social and health services.

The bill was read the second time.

#### MOTION

On motion of Senator Granlund, the rules were suspended, Second Substitute House Bill No. 356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 356.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 356 and the bill passed the Senate by the following vote: Yeas, 35; absent, 6; excused, 8.

Voting yea: Senators Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wajahn - 35.

Absent: Senators Bailey, Bauer, Benitz, Hansen, Moore, Zimmerman - 6.

Excused: Senators Barr, Bluechel, Fleming, Guess, Hayner, Owen, Sellar, Taimadge - 8.

SECOND SUBSTITUTE HOUSE BILL NO. 356, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved that the Senate reconsider the vote by which House Bill No. 357, as amended by the Senate, passed the Senate earlier today.

Debate ensued.

## MOTIONS

On motion of Senator Bottiger, further consideration of the motion to reconsider the vote by which House Bill No. 357, as amended by the Senate, passed the Senate, was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 396, by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Lewis, Braddock, Brooks and Armstrong) (by Department of Social and Health Services request)

Changing state public assistance eligibility requirements.

The bill was read the second time.

## MOTIONS

On motion of Senator Bender, Senator Garrett was excused.

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

On page 8, line 16, after "1099," insert "The department shall comply with this subsection by December 31, 1985, regardless of any federal waivers or exemptions."

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute House Bill No. 396, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 396, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 396, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; absent, 7; excused, 9.

Voting yeas: Senators Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Absent: Senators Bailey, Hansen, McManus, Moore, Pullen, Thompson, Zimmerman - 7.

Excused: Senators Barr, Bluechel, Fleming, Garrett, Guess, Hayner, Owen, Sellar, Taimadge - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 396, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 956, by Committee on Local Government (originally sponsored by Representatives Locke and Hine)

Relating to the powers of local government in relation to federal grants and programs.

The bill was read the second time.

## MOTIONS

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.730 are each amended to read as follows:

In order to improve the administration of authorized federal grants or programs, ~~((including revenue sharing))~~ to improve governmental efficiency~~((;))~~ and services, ~~((and))~~ or to improve the general living conditions in the urban areas of the state, any city, town, or county ~~((utilizing federal or private funds))~~ may by lawfully adopted ordinance or resolution:

(1) Transfer to any public corporation, commission, or authority created hereunder, with or without consideration, any funds, real or personal property, property interests, or services~~((all of which are received from the federal government or from private sources))~~;

(2) Organize and participate in joint operations or cooperative organizations funded by the federal government when acting solely as coordinators or agents of the federal government;

(3) Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts made in connection with such agreements or as may be proper to permit an orderly readjustment by participating corporations, associations, or individuals(~~(- PROVIDED, HOWEVER, That nothing herein shall be construed in a manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution))~~;

(4) Create public corporations, commissions, and authorities to: Administer and execute federal grants or programs; ~~((to))~~ receive and administer private funds, goods, or services for any lawful public purpose; ~~((and to))~~ and perform any lawful public purpose or public function. The ordinance or resolution shall limit the liability of such public corporations, commissions, and authorities to the assets and properties of such public corporation, commission, or authority in order to prevent recourse to such cities, towns, or counties or their assets or credit.

Sec. 2. Section 5, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.745 are each amended to read as follows:

Any city, town, or county which shall create a public corporation, commission, or authority pursuant to RCW 35.21.730 or 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

Any public corporation, commission, or authority created as provided in RCW 35.21.730 may be empowered to own and sell real and personal property; to contract with individuals, associations, and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds and issue bonds and other instruments evidencing indebtedness; transfer(~~(- with or without consideration))~~ any funds, real or personal property, property interests, or services ~~((received from the federal government, private sources or, if otherwise legal, from a city or county))~~; to do anything a natural person may do; and to perform all manner and type of community services ~~((utilizing federal or private funds))~~; PROVIDED, That such public corporation, commission, or authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

Sec. 3. Section 3, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.735 are each amended to read as follows:

The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for such a public corporation. The provisions of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755.

All cities, towns and counties shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend federal or private funds for any lawful public purpose.

Sec. 4. Section 4, chapter 37, Laws of 1974 ex. sess and RCW 35.21.740 are each amended to read as follows:

Powers, authorities, or rights expressly or impliedly granted to any city, town, or county or their agents under any provision of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of any city or town implementing RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, unless so provided by contract between the city and another city or county.

Sec. 5. Section 7, chapter 37, Laws of 1974 ex. sess. as last amended by section 1, chapter 116, Laws of 1984 and RCW 35.21.755 are each amended to read as follows:

A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976: AND PROVIDED FURTHER, That property within a special

review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

NEW SECTION, Sec. 6. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in RCW 35.21.730 through 35.21.755 shall be construed in any manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution.

NEW SECTION, Sec. 7. Section 1, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.725 are each repealed."

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

On page 7, after line 2 of the committee amendment, insert the following:

NEW SECTION, Sec. 6. The department of emergency management shall consult with federal officials, local law enforcement officials, local elected officials, labor representatives, mine operators, mine rescue instructors, and the department of natural resources in developing a comprehensive state mine rescue plan. The plan shall include the establishment of at least two mine rescue stations in the state. The mine rescue teams shall be trained and equipped to respond to emergencies in coal as well as other mines. The plan shall determine the best means of rapidly transporting rescue teams, equipment, and support personnel to the site of an emergency. The plan shall include the development of a recruitment program that will result in a continuing supply of trained mine rescue team volunteers.

NEW SECTION, Sec. 7. The department of emergency management shall work with federal officials to insure the prompt sealing of open holes and mine shafts.

NEW SECTION, Sec. 8. The owner of each mine shall make a map of the surface of the property and a map of the underground workings. All maps shall be filed with the department of emergency management. The department shall establish by rule the scale and contents required for the maps.

NEW SECTION, Sec. 9. No person engaged in mine rescue or recovery work who, in good faith, renders emergency care, rescue, assistance, or recovery services at the scene of any emergency at or in a mine in this state or who employs, sponsors, or represents any person rendering emergency care, rescue, assistance, or recovery services shall be liable for any civil damages as a result of any act or omission by any person in rendering emergency care, rescue, assistance, or recovery service.

NEW SECTION, Sec. 10. Sections 6 through 9 of this act are each added to chapter 38.52 RCW."

Renumber the sections following consecutively and correct internal references accordingly.

Debate ensued.

#### POINT OF ORDER

Senator McDonald: "Mr. President, I would like to raise the question of scope and object on this amendment. The amendment is obviously, as Senator Warnke characterizes, dealing with line safety, whereas the bill itself deals with a total different subject. I would ask for a ruling on this."

Further debate ensued.

#### MOTION

On motion of Senator Warnke, and there being no objection, the amendment to the Committee on Governmental Operations amendment was withdrawn.

#### MOTION

Senator Thompson moved that the following amendment by Senators Thompson and Zimmerman to the Committee on Governmental Operations amendment be adopted:

On page 7, after line 10 of the amendment, insert the following:

"Sec. 7. Section 2, chapter 216, Laws of 1982 and RCW 39.50.010 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.

(1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated;

(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;

(3) "Municipal corporation" means any city, town, county, water district, sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, or fire protection district or any other municipal or quasi municipal corporation described as such by statute, except joint operating agencies under chapter 43.52 RCW;

(4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and

(5) "Short-term obligations" are warrants, notes, or other evidences of indebtedness, except bonds (~~which mature in not to exceed three years after the date thereof~~).

Remember the sections consecutively.

Debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 956 was deferred.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 808, by Representatives Appelwick, Rust and Sommers

Providing for the property tax valuation of destroyed property which is replaced.

The bill was read the second time.

#### MOTIONS

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

On page 2, line 3, following "section", before the period, insert "or RCW 36.21.090, which-ever is appropriate"

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 808, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 808, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 808, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent, 5; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Benitz, Moore, Patterson, Peterson, Rinehart - 5.

Excused: Senators Barr, Fleming, Guess, Hayner, Owen, Sellar, Talmadge - 7.

ENGROSSED HOUSE BILL NO. 808, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 179, by Committee on Natural Resources (originally sponsored by Representatives Belcher, Lundquist, Bristow, Smitherman, Allen, Baugher, Lewis, Fisher, Locke, Unsoeld, Dellwo, Wang, Walker, Sayan, Jacobsen, P. King, Winsley, Sanders, May and Hankins)

Requiring a migratory waterfowl stamp to hunt migratory waterfowl.

The bill was read the second time.

## MOTIONS

On motion of Senator Vognild, the following Committee on Natural Resources amendment was adopted:

On page 5, line 11, after "Washington" strike ", the Dominion of Canada, or Alaska"

On motion of Senator Vognild, the following Committee on Natural Resources amendment was adopted:

On page 5, line 19, after "commission" insert "and to the natural resources committees of the House and Senate"

On motion of Senator Vognild, the rules were suspended. Substitute House Bill No. 179, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 179, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 179, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent, 1; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senator Benitz - 1.

Absent: Senator Bluechel - 1.

Excused: Senators Barr, Fleming, Guess, Hayner, Lee, Owen, Sellar, Talmadge - 8.

SUBSTITUTE HOUSE BILL NO. 179, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Rasmussen assumed the chair.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 150, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Zellinsky, May, Allen, Nutley, Isaacson and Jacobsen)

Providing uniform procedures for the creation, elections, and operations of various special purpose districts.

The bill was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The purpose of this chapter is to provide uniform and simplified procedures for the creation, elections, and operations of various special districts that provide diking, drainage, and flood control facilities and services. The legislature finds that it is in the public interest to clarify and standardize the laws relating to these special districts.

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

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the

special district for a period of not less than sixty days before the election; or (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation or partnership shall designate a natural person to exercise its voting powers. Except as provided in sections 21 and 22 of this act, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected.

**NEW SECTION.** Sec. 3. The establishment of a special district may be initiated by either petition of the owners of property located within the proposed special district, or by resolution of the county legislative authority or authorities within which the proposed special district is located.

A petition calling for the creation of a special district, which is signed by at least ten owners of land located within the proposed district, shall be filed with the county legislative authority within which a proposed special district, or the largest portion of a special district, is located. If the proposed special district is proposed to be located within more than one county, the county legislative authority receiving the petitions shall notify the other county legislative authorities of the proposal. The petition shall set forth in general terms: (1) The objects sought by the creation of the special district; (2) the projects proposed to be completed by the special district that will accomplish these objects; (3) the boundaries of the proposed special district, which may be stated in terms of sections, townships, and ranges; and (4) any other matters deemed material by the petitioners. The jurisdiction of the county legislative authority to proceed with consideration of the creation of the proposed special district shall not be affected by the form of the petition or allegations on the petition. The petition shall be accompanied by proof of land ownership that is sufficient in the opinion of the county legislative authority to evidence the ownership of land by the petitioners within the proposed special district. A petition calling for the creation of a special district shall be accompanied by a bond of five thousand dollars to defray the costs incurred by the county, or counties, in considering the creation of the special district.

A resolution proposing the creation of a special district shall contain the same items as are required and permitted to be contained in a petition to create a special district.

**NEW SECTION.** Sec. 4. Upon the filing of a valid petition or upon the adoption of the resolution, the county legislative authority shall direct the county engineer to investigate the proposed boundaries of the special district and the feasibility of the projects located in the county as proposed in the petition or resolution. The engineer shall report to the county legislative authority within ninety days of such direction on the proposed boundaries of the special district within the county and feasibility of that portion of the proposed project. If the proposed special district is located in more than one county, the county legislative authority of each county shall direct its county engineer to investigate and report on the proposal within its boundaries.

**NEW SECTION.** Sec. 5. The county legislative authority shall schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are feasible. If the engineers of each of the counties within which a proposed special district is located indicate that the proposed projects are feasible, the county legislative authorities shall schedule a joint public hearing on the proposed special district. The county legislative authority may, on its own initiative, schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are not feasible. The county legislative authorities of counties within which a proposed special district is located may, on their own initiative, schedule a joint public hearing on the proposed special district if one or more of the county engineers' reports indicate that the proposed projects are not feasible.

Notice of the public hearing shall be published and posted as provided in section 13 of this act for notices of elections. Additional notice of the public hearing shall be published in the newspaper in general circulation within the proposed special district, which notice shall be purchased in the manner of a general advertisement, not to be included with legal advertisements or with classified advertisements. This additional notice shall be published at least twice, not more than twenty nor less than three days before public hearing. Additional notice shall be made as required in RCW 79.44.040.

The notice must contain the following: (1) The date, time, and place of the public hearing; (2) a statement that a particular special district is proposed to be created; (3) a general description of the proposed projects to be completed by the special district; (4) a general description of the proposed special district boundaries; and (5) a statement that all affected

persons may appear and present their comments in favor of or against the creation of the proposed special district.

**NEW SECTION.** Sec. 6. The county legislative authority or authorities shall conduct the public hearing at the date, time, and place indicated in the notice. Public hearings may be continued to other dates, times, and places specified by the county legislative authority or authorities before the adjournment of the public hearing. Each county legislative authority may alter those portions of boundaries of the proposed special district that are located within the county, but if territory is added that was not described in the original proposed boundaries, an additional hearing on the proposal shall be held with notice being posted and published as provided in section 5 of this act.

After receiving the public testimony, the county legislative authority may cause an election to be held to authorize the creation of a special district if it finds:

(1) That creation of the special district will be conducive to the public health, convenience and welfare;

(2) That the creation of the special district will be of special benefit to a majority of the lands included within the special district; and

(3) That the proposed improvements are feasible and economical, and that the benefits of these improvements exceed costs for the improvements.

If the proposed special district is located within two or more counties, the county legislative authorities may cause an election to be held to authorize the creation of the special district upon making the findings set forth in subsections (1) through (3) of this section.

The county legislative authority or authorities may also choose not to allow such an election to be held by either failing to act or finding that one or more of these factors are not met.

**NEW SECTION.** Sec. 7. The county legislative authority or authorities shall cause an election on the question of creating the special district to be held if findings as provided in section 6 of this act are made. The county legislative authority or authorities shall designate a time and date for such election, which shall be one of the special election dates provided for in RCW 29.13.020, together with the site or sites at which votes may be cast. The persons allowed to vote on the creation of a special district shall be those persons who, if the special district were created, would be qualified voters of the special district as described in section 2 of this act. The county auditor or auditors of the counties within which the proposed special district is located shall conduct the election and prepare a list of presumed eligible voters.

Notices for the election shall be published and posted as provided in section 6 of this act. The special district shall be created if the proposition to create the special district is approved by a simple majority vote of the voters voting on the proposition and the special district may assume operations whenever the initial members of the governing body are appointed as provided in section 8 of this act.

Any special district created after the effective date of this act may only have special assessments measured and imposed, and budgets adopted, as provided in sections 15 through 18 of this act.

If the special district is created, the county or counties may charge the special district for the costs incurred by the county engineer or engineers pursuant to section 4 of this act and the costs of the auditor or auditors related to the election to authorize the creation of the special district pursuant to this section. Such county actions shall be deemed to be special benefits of the property located within the special district that are paid through the imposition of special assessments.

**NEW SECTION.** Sec. 8. (1) Except as provided in section 10 of this act, each special district shall be governed by a three-member governing board. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections in each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on the effective date of this act, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on the effective date of this act has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written

notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district.

**NEW SECTION.** Sec. 9. Each member of a governing body of a special district, whether elected or appointed, shall enter into a bond, payable to the special district. The bond shall be in the sum of not less than one thousand dollars nor more than five thousand dollars, as determined by the county legislative authority of the county within which the special district, or the largest portion of the special district, is located. The bond shall be conditioned on the faithful performance of his or her duties as a member of the governing body of the special district and shall be filed with the county treasurer of the county within which the special district, or the largest portion of the special district, is located.

**NEW SECTION.** Sec. 10. (1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the 1991 special district general election. If any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on the effective date of this act, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

**NEW SECTION.** Sec. 11. General elections shall be held in each special district on the second Tuesday in December in each odd-numbered year. The auditor of the county within which a special district, or the largest portion of a special district, is located may provide for special elections whenever necessary.

**NEW SECTION.** Sec. 12. A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or the largest portion of the special district is located.

**NEW SECTION.** Sec. 13. The auditor of the county within which a special district, or the largest portion of a special district, is located shall assist such special district with its elections as provided in this section. The county auditor shall both publish and post notices for such elections. Notices shall be posted in at least four conspicuous public places within the special district at least two weeks before the election. Notices shall also be published in a newspaper of general circulation in the special district at least once not more than ten nor less than three

days before the election. The notices shall describe the election, give its date and times to be held, and indicate the election site or sites in the special district where ballots may be cast. All costs of the county auditor incurred related to such elections shall be reimbursed by the special district. A special district may also contract with the county auditor to staff the voting site during the election or contract with the county auditor to conduct the election pursuant to RCW 29.36.120.

**NEW SECTION, Sec. 14.** The governing body of each special district shall appoint three voters of the special district, who may be members of the governing body, to act as election officials, unless the special district contracts with the county auditor to staff the election site. The election officials shall distribute a ballot or ballots to each voter of the special district who arrives at the voting place during the hours for the election on the day of the election and requests a ballot. Ballots shall also be provided to those persons arriving at the polling place during the hours for the election on the day of the election who present documents or evidence sufficient to establish their eligibility to vote. A person arriving at the polling place at such times who demands a ballot, but who fails to present documents or evidence which in the opinion of the election officials is sufficient to establish eligibility to vote, shall be given a ballot clearly marked as "challenged" and shall be allowed to vote. Each challenged ballot shall be numbered consecutively and a list of such persons and their ballot numbers shall be made.

The governing body of each special district shall designate those hours from 7 a.m. to 8 p.m. during which the election shall be held: PROVIDED, That at least two consecutive hours must be designated. When the election is over, the election officials shall secure the ballots and transport the ballots to the county auditor's office by noon of the day following the election. The auditor may, at his or her discretion, station a deputy auditor or auditors at the election site who shall observe the election and transport the ballots to the auditor's office. The auditor shall count the ballots and certify the count of votes for and against each measure and for each candidate appearing on the ballot. A separate count shall be made of any challenged ballots. A challenged ballot shall be counted as a normal ballot if documents or evidence are supplied to the auditor before 4:00 p.m. on the day after the election that, in the opinion of the auditor, are sufficient to establish the person's eligibility to vote.

Additionally, voting by absentee ballot shall be allowed in every special district. A request for an absentee ballot may be made by an eligible voter by mail or in person to the county auditor who supervises the special district elections. An absentee ballot shall be provided to each voter of a special district requesting such a ballot under this section. A person requesting such a ballot may present information establishing his or her eligibility to vote in such a special district. The auditor shall provide an absentee ballot to each person requesting an absentee ballot who is either included on the list of presumed eligible voters or who submits information which, in the auditor's opinion, establishes his or her eligibility to vote. The names of these persons so determined to be eligible to vote shall be added to the list of presumed eligible voters for the appropriate special district. The request for an absentee ballot must be made no more than forty-five days before the election. To be valid, absentee ballots must be postmarked on or before the day of the election and mailed to the county auditor.

**NEW SECTION, Sec. 15.** The process by which budgets are adopted, special assessments are measured and imposed, and assessment zones are established, as provided in sections 15 through 18 of this act, shall constitute an alternative optional method of financing special districts. A special district in existence prior to the effective date of this act may conform with sections 15 through 18 of this act when its governing body adopts a resolution indicating its intention to conform with such laws. Whenever such a resolution is adopted, or a new special district is created on or after the effective date of this act, sections 15 through 18 of this act shall be the exclusive method by which the special district measures and imposes special assessments and adopts its budget. The governing body of a special district that was created before the effective date of this act, and which operates under sections 15 through 18 of this act, may adopt a resolution removing the special district from operating under sections 15 through 18 of this act, and operate under alternative procedures available to the special district. A county may charge a special district for costs the county incurs in establishing a system or systems of assessment for the special district pursuant to sections 15 through 18 of this act.

**NEW SECTION, Sec. 16.** (1) Special district special assessments shall be imposed only on real property within the district that uses or will use the special district's facilities or receives or will receive special benefits from the special district's operations and facilities. Both privately owned and publicly owned real property, including real property owned by the state, is subject to these special assessments. Mobile homes located on real property within a special district shall be considered an improvement to the real property for purposes of imposing special assessments.

(2) Special assessments imposed upon real property, other than improvements, shall be a function of the dollar value of benefit or use per acre and the assessment zone in which the real property is located. Special assessments imposed upon an improvement shall be a function of the dollar value of benefit or use assigned to the type or class of improvements and the assessment zone in which the improvement is located.

(3) Assessment zones shall be established in which each zone reflects a different relative ratio of benefit or use that the real property within such a zone receives, or will receive, from the special district's operations and facilities. That real property receiving the greatest benefits, or which uses the special district's facilities to the greatest extent, shall be placed into class No. 1 and assigned a value of one hundred percent; that real property receiving the next greatest benefits, or which uses the special district's facilities to the next greatest extent, shall be placed into class No. 2 and assigned a lower percentage value; and so on, extending to the class of least benefits or use. That real property receiving no benefits or use shall be designated "nonbenefit." If all real property in the special district is found to have the same relative ratio of benefit or use, a single assessment zone may be established.

(4) Any one or more of the following criteria shall be used in measuring the manifest degrees or ratios of benefit or use: (a) proximity to the special district's facilities; (b) height above or below dikes and levees; (c) easier accessibility; (d) facility of drainage; (e) minimization of flood or inundation damage; (f) actual flood protection; (g) use of the special district's facilities; and (h) any other criteria established by the county under section 17 of this act that measure manifest degrees of benefit or use from the special district's facilities and operations.

(5) Special assessments may be imposed to pay for the construction, repair, and maintenance of special district facilities and for special district operations. Administrative and operational costs of the special district shall be proportionally included in these special assessments.

NEW SECTION. Sec. 17. (1) The county within which each special district is located shall establish a system or systems of assessment for the special district as provided in this section. A differing system of assessment shall be established for different classes of facilities that a special district provides or will provide, including a separate system of assessment for diking and drainage facilities if both classes of facilities are provided. Whenever a special district is located in more than one county, the county within which the largest portion of the special district is located shall establish the system or systems of assessment for the entire special district. A system of assessment shall include assessment zones, the acreage included in each assessment zone, a dollar value of benefit or use per acre, and various classes or types of improvements together with a dollar value of benefit or use for an improvement included in each of the classes or types of improvements. The county shall establish which improvements shall be subject to special assessments and shall establish one or more types or classes of such improvements.

(2) The engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district.

The preliminary system or systems of assessment shall be filed with the county legislative authority. A public hearing on the preliminary system or systems of assessment shall be held by the county legislative authority. Notice of the public hearing shall be published in a newspaper, in general circulation in the special district, for two consecutive weeks with the final notice being published not less than fourteen, nor more than twenty-one days, before the public hearing. Notice shall also be mailed to each owner or reputed owner, as shown on the assessor's tax rolls, of each lot or parcel subject to such assessments. The mailed notice shall indicate the amount of assessment on the lot or parcel that, together with all other assessments in the system of assessment, would raise one thousand dollars. The mailed notice shall indicate that this assessment amount is not being imposed, but is a hypothetical assessment that, if combined with all other hypothetical assessments in the system of assessment, would generate one thousand dollars, and that this hypothetical assessment is proposed to be used to establish a system or systems of assessment for the special district. Where a special district currently is imposing special assessments and a property owner's property is subject to these special assessments, the mailed notice to this property owner also shall use the hypothetical special assessment in conjunction with the total special assessments imposed by the special district in that year to provide a comparison special assessment value to the property owner. This notice shall indicate that the comparison special assessment value is not being imposed, and should be considered for comparative purposes only. Where a special district is not currently imposing special assessments, the mailed notice may include, if deemed appropriate by the county engineer and if such figures are available, an estimated special assessment value for the property owner's property using this hypothetical special assessment in conjunction with special district-wide level of special assessments that possibly would be imposed in the following year. Where a county is imposing rates and charges for stormwater or surface water control facilities pursuant to chapters 36.89 or 36.94 RCW, the county shall credit such rates and charges with assessments imposed under this section by a special district to fund drainage facilities and the maintenance of drainage facilities.

(3) The county legislative authority shall hold a public hearing on the preliminary system or systems of assessment on the day specified in the notices. Persons objecting to the preliminary system or systems of assessment may present their objections at this public hearing, which may be continued if necessary. The county legislative authority shall adopt an ordinance finalizing the system or systems of assessment after making any changes that in its discretion

are necessary. The county legislative authority shall have broad discretion in establishing systems of assessment. The decision of the county legislative authority shall be final, except for appeals. Any person objecting to the system or systems of assessment must appeal such decision to the superior court of the county within which all, or the largest portion, of the special district is located within twenty days of the adoption of the ordinance.

(4) The system or systems of assessment of each special district shall be reviewed by the county engineer and finalized by the county legislative authority at least once every four years. A system or systems of assessment shall be finalized on or before the first of September in the year that it is finalized. The legislative authority of a county that is responsible for establishing a system or systems of assessment for more than one special district may, at its option, stagger the initial finalization of such systems of assessment for different special districts over a period of up to four years. Assessments shall be collected in special districts pursuant to the district's previous system of assessment until the system or systems of assessment under this chapter is finalized under this section.

(5) New improvements shall be noted by the special district as they are made and shall be subject to special assessments in the year after the improvement is made.

(6) The county legislative authority, upon request by a special district, may authorize the special district to impose and collect emergency assessments pursuant to the special district's system or systems of assessment whenever the emergent protection of life or property is necessary.

NEW SECTION. Sec. 18. Budgets for each special district shall be adopted, and special assessments imposed, annually for the succeeding calendar year. On or before December 1st of each year, the governing body of the special district shall adopt a resolution approving a budget for the succeeding year and special assessments sufficient to finance the budget. A copy of the resolution and the budget shall be forwarded immediately to the county legislative authority of the county or counties within which the special district is located and to the treasurer of the county or counties in which the special district is located. Special assessments necessary to generate funds for this budget shall be imposed pursuant to the system or systems of assessment established by the county. Special assessments shall be collected by the county treasurer or treasurers within which the special district is located. Notice of the special assessments due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. Special assessments shall be due at the same time property taxes are due and shall constitute liens on the land or improvements upon which they are imposed. Delinquent special assessments 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 special assessments not to exceed one percent of the dollar value of special assessments collected.

NEW SECTION. Sec. 19. A special district may:

(1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, stormwater control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat stormwater, surface water, and flood water. Such facilities include drains, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Take actions necessary to protect life and property from inundation or flow of flood waters, stormwaters, or surface waters.

(4) Acquire, purchase, condemn by power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary property, property rights, facilities, and equipment.

(5) Sell or exchange surplus property, property rights, facilities, and equipment.

(6) Accept funds and property by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

(7) Hire staff, employees, or services, or use voluntary labor.

(8) Sue and be sued.

(9) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

(10) Enter into contracts.

(11) Exercise any of the usual powers of a corporation for public purposes.

NEW SECTION. Sec. 20. Sections 1 through 19 of this act shall constitute a new chapter in Title 85 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 85.05 RCW to read as follows:

Each qualified voter of a diking or drainage improvement district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or

major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community: PROVIDED, That this additional voting provision shall only apply in districts that were not in operation and did not have improvements as of May 14, 1925.

**NEW SECTION.** Sec. 22. A new section is added to chapter 86.09 RCW to read as follows:

Each qualified voter of a flood control district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community.

**NEW SECTION.** Sec. 23. A new section is added to chapter 85.08 RCW to read as follows:

The county engineer shall continue to act as a supervisor of a diking, drainage, or sewerage improvement district that is governed by a three-member board of supervisors until a replacement assumes office after being elected at the 1987 special district general election. At that election two supervisors shall be elected, with the person receiving the greatest number of votes being elected to a six-year term, and the person receiving the second greatest number of votes being elected to a four-year term. Thereafter, all supervisors shall be elected to six-year terms.

**NEW SECTION.** Sec. 24. A new section is added to chapter 85.05 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 25. A new section is added to chapter 85.06 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 26. A new section is added to chapter 85.08 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking, drainage, or sewerage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking, drainage, or sewerage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 27. A new section is added to chapter 85.24 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which intercounty diking and drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which intercounty diking and drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 28. A new section is added to chapter 85.36 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 29. A new section is added to chapter 86.09 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which flood control districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which flood control districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 30. A new section is added to chapter 85.08 RCW to read as follows:

Sewerage improvement districts may investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities to collect, treat, and dispose of sanitary, industrial, and other sewage. Such facilities include on-site and off-site sewerage facilities, including approved septic tanks or septic tank systems.

**NEW SECTION.** Sec. 31. A new section is added to chapter 85.05 RCW to read as follows:

Diking districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

**NEW SECTION.** Sec. 32. A new section is added to chapter 85.06 RCW to read as follows:

Drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

NEW SECTION, Sec. 33. A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, or sewerage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

NEW SECTION, Sec. 34. A new section is added to chapter 85.24 RCW to read as follows:

Intercounty diking and drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

NEW SECTION, Sec. 35. A new section is added to chapter 85.36 RCW to read as follows:

Consolidated diking districts, drainage districts, diking improvement districts, and drainage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

NEW SECTION, Sec. 36. A new section is added to chapter 86.09 RCW to read as follows:

Flood control districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

Sec. 37. Section 8, chapter 117, Laws of 1895 as amended by section 5, chapter 146, Laws of 1921 and RCW 85.05.085 are each amended to read as follows:

((Said)) The board of dike commissioners shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85. -- RCW (sections 1 through 19 of this 1985 act). The board of dike commissioners ((hereinafter provided for)) shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the ((said)) district, and shall be the executive officers thereof, with full power to bind ((said)) the district by their acts in the performance of their duties, as provided by law. ((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of the county owning land in the district by the judge of the superior court of said county, and said appointee shall serve the unexpired term, or until the next general election or until a successor is elected and qualified. PROVIDED: That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.))

Sec. 38. Section 28, chapter 117, Laws of 1895 and RCW 85.05.280 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ((and)) who shall keep minutes of all ((their meetings, and)) the district's proceedings. The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 39. Section 41, chapter 117, Laws of 1895 as last amended by section 1, chapter 39, Laws of 1974 ex. sess. and RCW 85.05.410 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of ((eight)) up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ((one)) three thousand dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved ((and made)) at ((a)) regular meetings of ((said)) the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against ((said)) the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 40. Section 3, chapter 43, Laws of 1913 and RCW 85.05.580 are each amended to read as follows:

The manner of conducting ~~((said))~~ the election and the hours between the opening and closing of the polls and the officers of ~~((said))~~ the election shall be the same as provided in ~~((the general diking law for the annual election of officers of diking districts, and in case a canvass of the votes cast at said election shall show))~~ chapter 85.-- RCW (sections 1 through 19 of this 1985 act). If a majority of the votes cast in each of the districts seeking to consolidate to be in favor of consolidation, an order shall at once be ~~((entered upon the minutes of each of said districts by the commissioners thereof))~~ issued by the county legislative authority, showing the result of ~~((said))~~ the vote cast at ~~((said))~~ the election, and setting forth therein the name of such consolidated district ~~((and a copy))~~. Two copies of the ~~((minutes so entered duly certified by the commissioners of each of said districts))~~ order shall be filed, one each with the auditor and treasurer of the county within which ~~((said))~~ the districts are located, ~~((and one with the clerk of the superior court of such county, to be entered and filed by the clerk of such court in the original proceedings establishing said districts;))~~ and a certified copy of such entry shall be transmitted to the secretary of state ~~((by the clerk of said court, and))~~. Thereafter the territory embraced in ~~((said))~~ the districts so consolidated shall be known and designated as "Consolidated Diking District No. . . . . (here insert number) of . . . . . (here insert name of county) County, Washington," as provided in said order, and thereafter the ~~((said))~~ district shall have the same powers and duties as other diking districts organized under the diking laws of the state of Washington.

Sec. 41. Section 8, chapter 115, Laws of 1895 as amended by section 3, chapter 86, Laws of 1913 and RCW 85.06.080 are each amended to read as follows:

~~((Said))~~ The board of drainage commissioners ~~((hereinbefore provided for;))~~ shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act). The board shall have exclusive charge of the construction and maintenance of all drainage systems which may be constructed by said district and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. ((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term or until the next general election: PROVIDED: That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment;))

Sec. 42. Section 25, chapter 115, Laws of 1895 and RCW 85.06.250 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ~~((and))~~ who shall keep minutes of all ~~((their))~~ the district's proceedings ~~((and))~~. The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district ~~((such warrants)),~~ which shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 43. Section 38, chapter 115, Laws of 1895 as last amended by section 2, chapter 23, Laws of 1980 and RCW 85.06.380 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation up to twenty-five dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed ~~((:))~~ in connection with their duties ~~((including the attendance at meetings))~~ as commissioners: PROVIDED, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Sec. 44. Section 19, chapter 176, Laws of 1913 as last amended by section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290 are each amended to read as follows:

Upon the determination by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority to proceed with the work of construction, ~~((said board))~~ the county legislative authority shall order an election to be held in some place within the district to be designated by the ~~((board; and shall appoint an election board to consist of one inspector and two judges, who shall qualify in like manner and receive like compensation as election officers at general elections: Notice of said election shall be given by the clerk of the board of county commissioners by~~

publication once a week for two consecutive weeks in a newspaper to be designated by the board and of general circulation in the district, the last of which publications shall be not less than seven nor more than fourteen days prior to the date of said election, and such notice shall also be posted by the sheriff of the county not less than fourteen days prior to the date of said election, in three of the most public places in the district. That at all elections held within the diking district the polls shall be open from one o'clock p.m. until seven o'clock p.m. All electors of the state owning land in the district shall be entitled to vote at any election held within the district, and each elector owning more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof: PROVIDED, This amendment shall not apply to any districts already constructed and in operation:

At such election the officers may require any person offering to vote to take an oath that he is qualified to vote as in this act provided. An officer or agent of any corporation, organized under the laws of this state owning land in the district, duly authorized thereto in writing, may, upon filing with the election officers such written instrument of authority, cast a vote on behalf of such corporation)) county legislative authority, to determine if the proposed district shall be created as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).

Sec. 45. Section 20, chapter 176, Laws of 1913 as last amended by section 1, chapter 120, Laws of 1965 and RCW 85.08.300 are each amended to read as follows:

~~((At the election, two electors of the county owning land in the district shall be elected, who, with the district engineer, shall constitute the first))~~ The board of supervisors of the district ~~((The supervisors))~~ shall consist of three elected supervisors. The initial supervisors shall be appointed, and the first elected supervisor elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act). The board of supervisors shall have charge of the construction and maintenance of the systems of improvements, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance who may be one of the two elected supervisors. The ~~((elected))~~ supervisors may be employed upon the construction or maintenance, receiving the same compensation as other labor of like character. ~~((The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he is a salaried officer the compensation shall be a charge against the district in favor of the engineer's office.~~

The term of office of each elected district supervisor shall be four years, and until his successor is elected and qualified except that the terms of those chosen at the first election in each district shall be as follows: The one receiving the highest number of votes shall serve for a period ending four years after the first Monday of January of the first odd-numbered year following the election; and the one receiving the second highest number of votes shall serve for a period ending two years after the first Monday of January of the first odd-numbered year following the election. Elections after the first election in a district shall be held biennially on the fourth Tuesday of November in the even-numbered years, except that where the first election is in an odd-numbered year no election shall be held in the next even-numbered year. Terms of office shall begin on the first Monday of January next following the election, except that the terms of the supervisors elected at the first election shall begin immediately on their qualifying. Every duly elected supervisor shall qualify in the same manner as other county officers. A vacancy on the board shall be filled by a district elector appointed by the board of county commissioners:

Elections, except for the first election as provided in RCW 85.08.290, shall be conducted by the board of supervisors of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges, clerks and inspectors of the election shall each receive not to exceed the sum of fifteen dollars per day for services so rendered. At least thirty days before the election the district supervisors shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the supervisors. The supervisors may declare the entire district as one precinct and shall designate in the notice of election the number and places of voting. The supervisors shall meet on the day following the election and canvass the votes, declare the results, and issue the certificates of election:))

When a district contains not more than five hundred acres, or when a petition is presented to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority signed by the owners of fifty percent of the acreage of the district praying for such action, the ~~((district))~~ county engineer shall act as the sole supervisor of the district; and in such case the allowance of all claims against the district shall be by the county ~~((commissioners))~~ legislative authority.

Sec. 46. Section 23, chapter 176, Laws of 1913 as last amended by section 23, chapter 156, Laws of 1981 and RCW 85.08.320 are each amended to read as follows:

The compensation of the ~~((board of supervisors,))~~ superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the ~~((county legislative authority))~~ district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the

~~((county legislative authority))~~ district board of supervisors. The compensation for members of the board of supervisors shall be fixed by the county legislative authority. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. Each member of the county legislative authority, except in counties of the first class, shall receive pay at the rate of four dollars per day for the number of days he is engaged in the performance of any duty under this chapter, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a member of the county legislative authority shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this chapter. All officers and members of boards performing duties under this chapter shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereinunder. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

If at the hearing provided for in RCW 85.08.160 the county legislative authority shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this chapter and sold by the county legislative authority, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.

Sec. 47. Section 4, chapter 130, Laws of 1917 and RCW 85.08.610 are each amended to read as follows:

Until the ~~((expiration of the terms of the elected supervisors having the shortest term to serve in each of the districts so consolidated, the two elected))~~ first special district general election after the consolidation of the districts, the supervisors of each district ~~((together with the county engineer))~~ shall form the board of supervisors of such consolidated district.

At the ~~((annual))~~ special district general election following the entry of the order of consolidation, ~~((one supervisor shall be elected in the consolidated district and shall serve for two years and until his successor is elected and qualified, and together with the supervisor of each district included in the consolidation whose term of office has not expired and the county engineer, shall constitute the board of supervisors of the consolidated district until the next annual election.~~

At the next annual election and at each succeeding annual election, one supervisor shall be elected in the consolidated district for a term of two years) all supervisors shall have their positions filled. The person receiving the greatest number of votes for supervisor shall have a six-year term, the person receiving the second greatest number of votes for supervisor shall have a four-year term, and the person receiving the third greatest number of votes shall have a two-year term.

Sec. 48. Section 3, chapter 131, Laws of 1917 and RCW 85.20.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.20.020, the ~~((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage or a diking improvement district))~~ county legislative authority shall order an election to be held to determine if the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be at the normal special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held ~~((and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes" or "Reorganization, No". Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places in the district, and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the~~

~~last publication of which shall be not less than ten days prior to the day fixed for such election)). The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.~~

Sec. 49. Section 5, chapter 131, Laws of 1917 and RCW 85.20.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.20.040, such reorganized district shall be known as a drainage or a diking improvement district of the same number as borne by it as a diking or a drainage district, and)) The board of commissioners of ((such)) the drainage or diking district shall~~((together with the county engineer,))~~ constitute the board of supervisors of the reorganized district ~~((until the second Tuesday of December following such reorganization, when an election shall be held as provided for annual elections in drainage improvement districts, at which two supervisors shall be elected, who shall serve for the terms and whose successors shall be elected in the manner provided for the first board of supervisors in drainage improvement districts)).~~ From the entry of ~~((said))~~ an order under RCW 85.20.030 reorganizing the district, such reorganized district, and its board of supervisors ~~((herein provided for)),~~ shall have all the rights and powers of and be subject to all laws applicable to a diking or drainage improvement district, and such district so reorganized shall be dissolved without any further proceedings therefor. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such reorganization had been had. The ~~((board of county commissioners))~~ legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.~~

Sec. 50. Section 3, chapter 182, Laws of 1933 and RCW 85.22.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.22.020, the ~~((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district))~~ county legislative authority shall order an election to be held to determine if the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be the same as the regular special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held~~((and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No".~~ Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places of said district; and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election)). The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.

Sec. 51. Section 5, chapter 182, Laws of 1933 and RCW 85.22.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.22.040, such reorganized district shall be known as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district of the same number borne by it as a diking or drainage district. Such preexisting district so reorganized shall be dissolved without any further proceedings therefor.))~~ The commissioners of the old district shall become the ~~((commissioners))~~ supervisors of the reorganized district and shall have all the rights and powers and be subject to all laws applicable to a diking or drainage improvement district. The ~~((said commissioners))~~ supervisors shall also have the power of using such drainage ditches and equipment in the district for irrigation purposes at proper times and may adapt such ditches to such purposes by making the necessary improvements therein. The ~~((said commissioners))~~ supervisors shall also have the right to purchase and install machinery, pumps and other equipment for the carrying on of

such irrigation within the district. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such reorganization had been had. The ~~((board of county commissioners))~~ legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Sec. 52. Section 7, chapter 182, Laws of 1933 and RCW 85.22.070 are each amended to read as follows:

The ~~((board))~~ county legislative authority shall determine the amount of the assessment necessary to be levied to provide funds to liquidate the bonds of the district then payable and shall cause such assessment to be apportioned to the lands of the district in proportion to the maximum benefits as fixed by the judgment of the jury, and shall cause to be prepared an assessment roll showing the assessment apportioned against each tract, lot and parcel of land contained in such judgment and shall file such roll with the clerk of the ~~((board))~~ county legislative authority. Thereupon the ~~((board))~~ county legislative authority shall adopt a resolution which shall set forth:

(1) A schedule showing the bonds outstanding against the district then payable which they propose to refund, and the assessment necessary to be levied to provide funds for the payment thereof.

(2) That the assessment roll for the collection of the assessments proposed to be levied against the lands of the district is on file with the clerk of the ~~((board))~~ county legislative authority and open to the inspection of all persons interested.

(3) That the ~~((commissioners))~~ district ~~proposes~~ to levy such assessments for collection in installments according to the schedule attached thereto.

(4) A schedule showing the installments in which such assessments are to be paid.

(5) That the assessments contained in such assessment roll may be paid in full at any time prior to the expiration of thirty days after such assessment roll shall have been turned over to the treasurer for collection and he shall have published a notice to that effect, and that all assessments not so paid shall thereafter bear interest until due at a rate to be fixed therein.

(6) That the ~~((commissioners))~~ district ~~proposes~~ to issue bonds under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, payable in . . . . . years (to be stated in the resolution), to refund such outstanding bonds then payable.

(7) A date which shall be not more than sixty nor less than thirty days after the date of the adoption of such resolution, on which the ~~((board))~~ county legislative authority will hear any objections offered to the proposed levy and issuance of refunding bonds, or to the assessment roll prepared by the ~~((commissioners))~~ supervisors.

Sec. 53. Section 5, chapter 225, Laws of 1909 as last amended by section 26, chapter 156, Laws of 1981 and RCW 85.24.070 are each amended to read as follows:

A three-member board of commissioners shall be the governing body of an intercounty diking and drainage district. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).

The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

State of Washington,  
County of . . . . . } ss.

I, the undersigned, a member of the board of commissioners of the diking and drainage district No. . . . . in . . . . . and . . . . . counties, do solemnly swear (or affirm) that I will ~~((well and truly))~~ faithfully discharge my duties as a member of ~~((said))~~ the commission.

~~((The members shall also, before entering upon their duties, give a bond to the state of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of five thousand dollars with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond; and))~~ Upon the taking of such oath and the entering into a bond ((being filed with the commissioner of public lands, that officer)), as provided in section 9 of this 1985 act, the county legislative authority shall enter an order upon ((his)) its records that the three persons named ((as aforesaid)) have qualified as the board of commissioners for diking and drainage district No. . . . . in . . . . . and . . . . . counties, and that ~~((said))~~ those persons and their successors do and shall constitute a board of commissioners for the ~~((aforesaid))~~ diking and drainage district((--which)). The order when made shall be conclusive of the regularity of the election and qualification of the

board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute ~~((such))~~ the board of diking and drainage commissioners.

The ~~((said))~~ board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and may either appoint a voter of the district or another diking and drainage commissioner to act as secretary. The ~~((said))~~ board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of ~~((a))~~ the plan of improvement of the district ~~((as aforesaid))~~, proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of ~~((said))~~ the system either by purchase or by power of eminent domain as hereinafter provided. Upon such acquisition being had, the board shall then proceed with the construction of ~~((said))~~ the diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of ~~((said))~~ the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for ~~((said))~~ the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under ~~((the provisions of))~~ this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of ~~((said))~~ the district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of ~~((said))~~ the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the ~~((said))~~ district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land within ~~((such))~~ the district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form~~((to wit))~~:

To .....: Your property (here describe the property) is assessed \$..... A hearing on the assessment roll will be had before the undersigned at the office of the ~~((said))~~ board at ..... on the ..... day of ..... at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the ~~((said))~~ assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of ~~((said))~~ the notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of ~~((said))~~ the district, in each county if there ~~((be))~~ are such newspapers published therein, and if there ~~((be))~~ is no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks~~((which))~~. The notice shall be signed by the chairman or secretary of the ~~((said))~~ board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to ~~((said))~~ the assessment roll and the levies as therein made.

Sec. 54. Section 33, chapter 225, Laws of 1909 and RCW 85.24.080 are each amended to read as follows:

The members of the board shall receive as compensation ~~((the sum of five)) up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day ((while engaged in the actual performance of)) or major part thereof for all necessary services actually performed in connection with their duties~~~~((-- and in addition thereto their actual incurred expenses in the performance of their duties))~~ as commissioners; PROVIDED, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefrom from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his duties.

Sec. 55. Section 2, chapter 154, Laws of 1967 and RCW 85.36.010 are each amended to read as follows:

(1) Any two or more diking districts, two or more drainage districts, or two or more diking and/or drainage improvement districts, heretofore organized or which may hereafter be organized pursuant to any of the laws of the state of Washington desiring to consolidate into one district may ~~((upon petition)) initiate a process to consolidate the districts and become a flood control district by either: (a) Submitting a petition to the legislative authority of the county within which the proposed district, or the largest portion of the proposed district, is located, which petition requests the consolidation and is signed by the owners of real property representing a majority of the acreage ((therein)) in each district to the governing body of the respective districts((:)); or~~~~((-- in the alternative, by))~~ (b) resolution of a majority of the members of the governing body of each district~~((-- effect such consolidation by the governing body of said district so desiring to consolidate, giving thirty days notice of an election for such purpose to be held in each of said districts, setting forth in said notice the date of said election and the object of the same, said notice to be given and posted as notice of the annual election of members of the governing body within said district, and if no provision is made for the giving of such notice, then as provided in the general diking law, and then publication of the same for at least three successive issues in a weekly newspaper published in the county in which such districts are located and of general circulation in said districts; PROVIDED, That where there is no newspaper so published or circulated, then publication of the notice of said election may be dispensed with)). The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. Whenever the resolutions have been adopted, or the valid petitions have been submitted, a proposition authorizing the consolidation shall be submitted to the voters of each of the special districts proposed to be consolidated at the next special district general election held at least sixty days after the last resolution has been adopted, or the signatures on the petitions have been certified as being valid. Consolidation shall become effective only upon approval of the proposition by simple majority vote of the voters of each district voting on the proposition. The elections shall be held as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).~~

(2) Upon consolidation, the governing body of the consolidated district shall be three persons appointed, with their successors elected, as provided for the creation of a new special district in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).

(3) Nothing contained herein shall be construed to limit or interfere with the existing power or authority presently held by any of ~~((said))~~ the districts to consolidate one with another.

~~((Implementation of a consolidation pursuant hereto and future repair, improvement or maintenance of any district system may be as provided for consolidated diking districts in RCW 85.05.576 et seq. through RCW 85.05.600 and such provisions thereof as can be made applicable shall fully apply to consolidation of any districts therein provided for.))~~

Sec. 56. Section 62, chapter 72, Laws of 1937 as amended by section 10, chapter 104, Laws of 1982 and RCW 86.09.184 are each amended to read as follows:

Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the ~~((state director))~~ county legislative authority in instances of genuine emergency to be declared by ~~((said director))~~ the county legislative authority or in any instance where the contract price does not exceed ~~((two))~~ ten thousand ~~((five hundred))~~ hundred dollars.

Sec. 57. Section 63, chapter 72, Laws of 1937 as last amended by section 4, chapter 104, Laws of 1982 and RCW 86.09.187 are each amended to read as follows:

Any proposed improvement or part thereof, not exceeding ~~((two thousand five hundred))~~ five thousand dollars in cost may be constructed by ~~((the))~~ the district ~~((by force account))~~ employees.

Sec. 58. Section 87, chapter 72, Laws of 1937 as amended by section 7, chapter 154, Laws of 1967 and RCW 86.09.259 are each amended to read as follows:

A flood control district(s) shall be managed by a board of directors consisting of three members (~~(--PROVIDED: That when a new district is created by consolidation pursuant to the provisions of chapter 85.36 RCW, there shall be five directors)). The initial directors shall ((organize as a board each year after any new members have qualified and)) be appointed, and the elected directors elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act). The directors shall elect a chairman from their number and shall either elect one of their number, or appoint a voter of the district, as secretary to hold office at its pleasure and who shall keep a record of its proceedings.~~

Sec. 59. Section 91, chapter 72, Laws of 1937 as amended by section 7, chapter 26, Laws of 1965 and RCW 86.09.271 are each amended to read as follows:

The office of the directors and principal place of business of the district shall be located, if possible, at some place within the district to be designated by the board. If a place convenient and suitable for conducting district business and public hearings required by this chapter cannot be found within the district, ((said)) the office may be located in the county within which the major portion of district lands is situated. ((Said)) The office and place of business cannot thereafter be changed, except with the previous written consent of the ((state director)) county legislative authority of the county within which the major portion of the district is situated, and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto and by the previous posting of a copy of ((said)) the notice for the same length of time at or near the new location of the office.

Sec. 60. Section 92, chapter 72, Laws of 1937 and RCW 86.09.274 are each amended to read as follows:

The directors shall hold a regular ((monthly)) meeting at their office ((on such day in each month as)) at least once a year, or more frequently, on the date or dates the board shall designate in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business: PROVIDED, That the day of the regular ((monthly)) meeting cannot be changed, except in the manner prescribed herein for changing the place of business of the district.

Sec. 61. Section 95, chapter 72, Laws of 1937 as amended by section 8, chapter 26, Laws of 1965 and RCW 86.09.283 are each amended to read as follows:

The board of directors shall each receive ((not to exceed ten)) up to twenty-five dollars ((per day in attending the)) for attendance at official meetings ((to be determined by said board, and such compensation, not exceeding ten dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall receive necessary expenses in attending meetings or when otherwise engaged on district business)) of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. A director ((using his own automobile shall be entitled to compensation therefor for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile not in excess of eight cents per mile)) is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 62. Section 101, chapter 72, Laws of 1937 and RCW 86.09.301 are each amended to read as follows:

Every district officer, upon taking office, shall take and subscribe an official oath for the faithful discharge of the duties of his office during the term of his incumbency ((and each director shall at the cost of the district furnish an official bond conditioned upon the faithful performance of the duties of his office in such amount as the director of the department of conservation shall prescribe, to be approved by said director as to sufficiency, and all said oaths and bonds shall be filed in the office of the county clerk of the county in which the office of the district is located)).

Sec. 63. Section 102, chapter 72, Laws of 1937 and RCW 86.09.304 are each amended to read as follows:

Every district officer or employee handling any district funds ((shall)) shall execute a surety bond payable to the district in the sum of double the estimated amount of funds handled monthly, conditioned that the principal will strictly account for all moneys or credit received by him for the use of the district. Each bond and the amount thereof shall be approved by the ((state director and the same shall be recorded in the office of his department)) county legislative authority of the county within which the major portion of the district is situated, and thereafter filed with the secretary of the district.

Sec. 64. Section 129, chapter 72, Laws of 1937 as amended by section 10, chapter 26, Laws of 1965 and RCW 86.09.385 are each amended to read as follows:

As a basis for the levy of all assessments authorized under this chapter, the ~~((state supervisor of flood control))~~ county legislative authority of the county within which the major portion of the district is situated, soon after the creation of the district, shall cause to be prepared a base map of the lands within the district and deliver the same to the secretary of the district: PROVIDED, That said ~~((state supervisor))~~ county legislative authority shall not be required to prepare said base map unless ample appropriation of funds for the purpose has been made.

Sec. 65. Section 130, chapter 72, Laws of 1937 as amended by section 11, chapter 26, Laws of 1965 and RCW 86.09.388 are each amended to read as follows:

Upon receipt of ~~((said))~~ the base map the board of directors of the district shall appoint a board of three appraisers subject to the written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

Sec. 66. Section 131, chapter 72, Laws of 1937 and RCW 86.09.391 are each amended to read as follows:

~~((Said))~~ The board of appraisers shall elect a member as chairman and the secretary of the district or his deputy shall be ex officio secretary of the board of appraisers. ~~((Said))~~ The appraisers shall receive such compensation and expenses as the board of directors of the district, with the approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, shall determine, and which may forthwith be paid by the issuance of district warrants.

Sec. 67. Section 137, chapter 72, Laws of 1937 and RCW 86.09.409 are each amended to read as follows:

As an independent and alternative method to any other method herein authorized and subject to the prior written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the ratio of benefits herein mentioned may be determined in their relation to the relative values of the respective benefited lands, including the improvements thereon, and the same shall be expressed on a relative percentage basis.

Sec. 68. Section 140, chapter 72, Laws of 1937 and RCW 86.09.418 are each amended to read as follows:

Upon completion of the control works of the district or of any unit thereof, ~~((said))~~ the board of directors of the district may, with the written consent of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, and upon petition signed by landowners representing twenty-five percent of the acreage of the lands in the district shall, appoint three qualified persons who shall be approved in writing by the ~~((state director))~~ county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: PROVIDED, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by ~~((said))~~ the reexamining board of appraisers.

Sec. 69. Section 145, chapter 72, Laws of 1937 and RCW 86.09.433 are each amended to read as follows:

At the time set for said hearing the ~~((state supervisor))~~ county legislative authority shall be present at the place designated in the notice and if it appears that due notice of the hearing has been given, shall proceed to hear such objections to the base map as shall be presented and shall hear all pertinent evidence that may be offered. ~~((Said state supervisor))~~ The county legislative authority shall have authority to adjourn said hearings from time to time to study the record and evidence presented, to make such independent investigation as ~~((he))~~ it shall deem necessary and to correct, modify or confirm the things set out on said base map or any part thereof and to determine all questions concerning the matter and shall finally make an order confirming said map with such substitutions, changes or corrections, if any, as may have been made thereon, which order shall be signed by ~~((said state supervisor))~~ the chairman of the county legislative authority and attached to said map.

Sec. 70. Section 148, chapter 72, Laws of 1937 and RCW 86.09.442 are each amended to read as follows:

When confirmed by order of said ~~((state supervisor))~~ county legislative authority as aforesaid, or by order of said ~~((state supervisor))~~ county legislative authority making any changes decreed by the court on appeal to the superior court, it shall be the duty of the secretary of the district to prepare a correct copy of so much of said base assessment map as includes the lands in the district situated in each county in which the lands in the district are situated, with the assessment classes and ratios properly designated thereon, and file the same with the respective county assessors of said counties for record therein.

Sec. 71. Section 150, chapter 72, Laws of 1937 and RCW 86.09.448 are each amended to read as follows:

Any person, firm or corporation feeling aggrieved at any determination by said ~~((state supervisor))~~ county legislative authority of the classification or relative percentage of his or its lands, aforesaid, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the land affected is situated. The matter shall be heard and tried by the court and shall be informal and summary but full opportunity to be heard and present evidence shall be given before judgment is pronounced.

Sec. 72. Section 151, chapter 72, Laws of 1937 and RCW 86.09.451 are each amended to read as follows:

No such appeal shall be entertained by the court unless notice of the same containing a statement of the substance of the matter complained of and the manner in which the same injuriously affects the appellant's interests shall have been served personally or by registered mail, upon ~~((said state director at his office at the state capitol))~~ the county legislative authority of the county within which the major portion of the district is situated, and upon the secretary of the district, within twenty days following the date of ~~((said))~~ the determination appealed from.

Sec. 73. Section 153, chapter 72, Laws of 1937 and RCW 86.09.457 are each amended to read as follows:

Costs shall be paid as in civil cases brought in the superior court, and the practices in civil cases shall apply: PROVIDED, That any costs awarded against said ~~((state supervisor))~~ county legislative authority shall be in ~~((his))~~ its official capacity only and shall be against and paid by the district.

Sec. 74. Section 155, chapter 72, Laws of 1937 and RCW 86.09.463 are each amended to read as follows:

In all said appeals from the determination of said ~~((state supervisor))~~ county legislative authority, as herein provided, said determination and all parts thereof shall be deemed to be prima facie correct.

Sec. 75. Section 156, chapter 72, Laws of 1937 and RCW 86.09.466 are each amended to read as follows:

The secretary of the district on or before the first day of November in each year shall estimate the amount of money necessary to be raised for any and all district purposes during the ensuing year based upon a budget furnished him by the district board ~~((on forms prescribed by the director of the department of conservation with the advice of the state auditor.))~~ and submit the same to ~~((said director))~~ the county legislative authority of the county within which the major portion of the district is situated for ~~((his))~~ its suggestions, approval and revision and upon the approval of the budget by said ~~((director))~~ county legislative authority, either as originally submitted or as revised, the secretary shall prepare an assessment roll with appropriate headings in which must be listed all the lands in each assessment classification shown on the base assessment map.

Sec. 76. Section 190, chapter 72, Laws of 1937 and RCW 86.09.568 are each amended to read as follows:

Upon previous written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district, in the manner provided herein.

Sec. 77. Section 193, chapter 72, Laws of 1937 and RCW 86.09.577 are each amended to read as follows:

The notice of election for the authorization of such bonds shall set forth the proposition generally as to the amount, maturities and the purpose thereof, shall state that the issuance of the proposed bonds has been approved by the ~~((state director of the department of conservation))~~ county legislative authority of the county within which the major portion of the district is situated, shall specify the day and place or places of election, the hours during which the polls will be open and shall be signed by the secretary of the district.

Sec. 78. Section 198, chapter 72, Laws of 1937 and RCW 86.09.592 are each amended to read as follows:

In any instance where the district is using, selling or leasing water for beneficial purposes or furnishing other service under the provisions of this chapter and there is reasonable certainty of a permanent fixed income from this source, the district board, upon previous written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, shall have authority to pledge the revenues derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from the utility bond fund and to sell the same to raise money for district purposes.

Sec. 79. Section 200, chapter 72, Laws of 1937 as last amended by section 207, chapter 167, Laws of 1983 and RCW 86.09.598 are each amended to read as follows:

(1) Said utility bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual

interest at such rate or rates and at such place as the ~~((department of ecology))~~ county legislative authority of the county within which the major portion of the district is situated shall provide. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 80. Section 202, chapter 72, Laws of 1937 as amended by section 208, chapter 167, Laws of 1983 and RCW 86.09.604 are each amended to read as follows:

(1) Upon approval of the ~~((department of ecology))~~ county legislative authority, of the county within which the major portion of the district is situated, first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said ~~((department of ecology))~~ county legislative authority shall prescribe including issuance and sale in accordance with chapter 39.46 RCW. Such bonds shall not run for a longer term than five years and may be issued without a district election authorizing them: PROVIDED, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

Sec. 81. Section 203, chapter 72, Laws of 1937 as amended by section 209, chapter 167, Laws of 1983 and RCW 86.09.607 are each amended to read as follows:

(1) Bonds of flood control districts issued under the provisions of this chapter shall not be sold nor disposed of for less than ninety percent of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange shall be appraised in writing and approved by the ~~((department of ecology))~~ county legislative authority of the county within which the major portion of the district is situated.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter 39.46 RCW.

Sec. 82. Section 204, chapter 72, Laws of 1937 and RCW 86.09.610 are each amended to read as follows:

District bonds may be disposed of at public or private offering in such manner as the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall prescribe.

Sec. 83. Section 208, chapter 72, Laws of 1937 and RCW 86.09.622 are each amended to read as follows:

Flood control districts may be dissolved upon a favorable sixty percent vote of the electors voting at an election for that purpose called, noticed, conducted and canvassed in the manner provided in this chapter for special elections and no further district obligations shall thereafter be incurred: PROVIDED, That ~~((said))~~ the election shall not abridge or cancel any of the outstanding obligations of the district, and the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall each year at the time and in the manner provided in this chapter for the levy of district assessments, levy assessments against the lands in the district and the same shall be collected and enforced in the manner provided herein, until ~~((said))~~ the outstanding obligations of the district are fully paid.

Sec. 84. Section 209, chapter 72, Laws of 1937 and RCW 86.09.625 are each amended to read as follows:

When the obligations have been fully paid, all moneys in any of the funds of the district and all collections of unpaid district assessments shall be transferred to the ~~((state reclamation revolving))~~ general fund of the county within which the major portion of the district is situated as partial reimbursement for moneys expended and services rendered by the ~~((state department of conservation))~~ county for and in behalf of ~~((said))~~ the district, and thereupon ~~((said state director))~~ the county legislative authority of that county shall file a statement of the full payment of the district's obligations for record in the county auditor's office in each county in which any lands in the district were situated and thereafter the dissolution of ~~((said))~~ the district shall be complete and its corporate existence ended.

Sec. 85. Section 14, chapter 26, Laws of 1965 and RCW 86.09.700 are each amended to read as follows:

A board may amend the district comprehensive plan of flood control, alter, reduce or enlarge the district system of improvement, within or without the district, and change the district boundaries so as to include land likely to be benefited by said amendment, alteration, reduction or enlargement by filing a petition to that effect with the ~~((director))~~ county legislative authority of the county within which the major portion of the district is situated.

Sec. 86. Section 15, chapter 26, Laws of 1965 and RCW 86.09.703 are each amended to read as follows:

If funds are available the ((director)) county legislative authority shall, at the expense of ((his department)) the county, refer the petition to the ((supervisor)) county engineer for a preliminary investigation as to the feasibility of the objects sought by the petition. If the investigation discloses that the matter petitioned for is feasible, conducive to the public welfare, consistent with a comprehensive plan of development and in the best interest of the district and will promote the purposes for which the district was organized, the ((director)) county legislative authority shall so find, approve the petition, enter an order in his records declaring the establishment of the new boundaries as petitioned for, or as modified by him, and file a certified copy of the order with each county auditor, without filing fee, and with the board.

The board shall forthwith cause a review of the classifications and ratio of benefits, in the same manner and with the same effect as for the determination of such matters in the first instance.

The lands in the original district shall remain bound for the whole of the original unpaid assessment thereon for the payment of any outstanding warrants or bonds to be paid by such assessments. Until the assessments are collected and all indebtedness of the original district paid, separate funds shall be maintained for the original district and the revised district.

NEW SECTION, Sec. 87. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 117, Laws of 1895, section 2, chapter 146, Laws of 1921 and RCW 85.05.020;
- (2) Section 3, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1905, section 3, chapter 146, Laws of 1921 and RCW 85.05.030;
- (3) Section 4, chapter 117, Laws of 1895 and RCW 85.05.040;
- (4) Section 5, chapter 117, Laws of 1895, section 1, chapter 115, Laws of 1899, section 1, chapter 84, Laws of 1915 and RCW 85.05.050;
- (5) Section 1, chapter 84, Laws of 1953 and RCW 85.05.060;
- (6) Section 2, chapter 115, Laws of 1895, section 1, chapter 86, Laws of 1913 and RCW 85.06.020;
- (7) Section 3, chapter 115, Laws of 1895, section 1, chapter 175, Laws of 1905, section 2, chapter 86, Laws of 1913 and RCW 85.06.030;
- (8) Section 4, chapter 115, Laws of 1895 and RCW 85.06.040;
- (9) Section 5, chapter 115, Laws of 1895, section 1, chapter 143, Laws of 1909, section 1, chapter 183, Laws of 1941 and RCW 85.06.050;
- (10) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020;
- (11) Section 3, chapter 176, Laws of 1913, section 14, chapter 130, Laws of 1917, section 3, chapter 46, Laws of 1923, section 2, chapter 209, Laws of 1959 and RCW 85.08.040;
- (12) Section 4, chapter 209, Laws of 1959 and RCW 85.08.050;
- (13) Section 5, chapter 209, Laws of 1959 and RCW 85.08.060;
- (14) Section 6, chapter 209, Laws of 1959 and RCW 85.08.070;
- (15) Section 7, chapter 209, Laws of 1959 and RCW 85.08.080;
- (16) Section 8, chapter 209, Laws of 1959 and RCW 85.08.090;
- (17) Section 9, chapter 209, Laws of 1959 and RCW 85.08.100;
- (18) Section 5, chapter 176, Laws of 1913 and RCW 85.08.110;
- (19) Section 6, chapter 176, Laws of 1913, Section 16, chapter 130, Laws of 1917, section 4, chapter 46, Laws of 1923 and RCW 85.08.120;
- (20) Section 7, chapter 176, Laws of 1913, section 17, chapter 130, Laws of 1917, section 5, chapter 46, Laws of 1923 and RCW 85.08.130;
- (21) Section 8, chapter 176, Laws of 1913, section 18, chapter 130, Laws of 1917 and RCW 85.08.140;
- (22) Section 9, chapter 176, Laws of 1913, section 19, chapter 130, Laws of 1917 and RCW 85.08.150;
- (23) Section 10, chapter 176, Laws of 1913, section 20, chapter 130, Laws of 1917, section 6, chapter 46, Laws of 1923 and RCW 85.08.160;
- (24) Section 11, chapter 176, Laws of 1913 and RCW 85.08.170;
- (25) Section 12, chapter 176, Laws of 1913 and RCW 85.08.180;
- (26) Section 19, chapter 176, Laws of 1913, section 25, chapter 130, Laws of 1917, section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290;
- (27) Section 4, chapter 131, Laws of 1917 and RCW 85.20.040;
- (28) Section 4, chapter 182, Laws of 1933 and RCW 85.22.040;
- (29) Section 2, chapter 225, Laws of 1909, section 2, chapter 140, Laws of 1923 and RCW 85.24.020;
- (30) Section 3, chapter 225, Laws of 1909 and RCW 85.24.030;
- (31) Section 4, chapter 225, Laws of 1909, section 3, chapter 140, Laws of 1923 and RCW 85.24.040;
- (32) Section 3, chapter 72, Laws of 1937 and RCW 86.09.007;
- (33) Section 8, chapter 72, Laws of 1937 and RCW 86.09.022;
- (34) Section 9, chapter 72, Laws of 1937 and RCW 86.09.025;

- (35) Section 10, chapter 72, Laws of 1937 and RCW 86.09.028;  
 (36) Section 11, chapter 72, Laws of 1937 and RCW 86.09.031;  
 (37) Section 12, chapter 72, Laws of 1937 and RCW 86.09.034;  
 (38) Section 13, chapter 72, Laws of 1937 and RCW 86.09.037;  
 (39) Section 14, chapter 72, Laws of 1937 and RCW 86.09.040;  
 (40) Section 15, chapter 72, Laws of 1937 and RCW 86.09.043;  
 (41) Section 16, chapter 72, Laws of 1937 and RCW 86.09.046;  
 (42) Section 17, chapter 72, Laws of 1937 and RCW 86.09.049;  
 (43) Section 18, chapter 72, Laws of 1937 and RCW 86.09.052;  
 (44) Section 19, chapter 72, Laws of 1937 and RCW 86.09.055;  
 (45) Section 20, chapter 72, Laws of 1937 and RCW 86.09.058;  
 (46) Section 21, chapter 72, Laws of 1937 and RCW 86.09.061;  
 (47) Section 22, chapter 72, Laws of 1937 and RCW 86.09.064;  
 (48) Section 23, chapter 72, Laws of 1937 and RCW 86.09.067;  
 (49) Section 24, chapter 72, Laws of 1937 and RCW 86.09.070;  
 (50) Section 25, chapter 72, Laws of 1937 and RCW 86.09.073;  
 (51) Section 26, chapter 72, Laws of 1937 and RCW 86.09.076;  
 (52) Section 27, chapter 72, Laws of 1937 and RCW 86.09.079;  
 (53) Section 28, chapter 72, Laws of 1937 and RCW 86.09.082;  
 (54) Section 29, chapter 72, Laws of 1937 and RCW 86.09.085;  
 (55) Section 30, chapter 72, Laws of 1937 and RCW 86.09.088;  
 (56) Section 31, chapter 72, Laws of 1937 and RCW 86.09.091;  
 (57) Section 32, chapter 72, Laws of 1937 and RCW 86.09.094;  
 (58) Section 33, chapter 72, Laws of 1937 and RCW 86.09.097;  
 (59) Section 34, chapter 72, Laws of 1937 and RCW 86.09.100;  
 (60) Section 35, chapter 72, Laws of 1937 and RCW 86.09.103;  
 (61) Section 36, chapter 72, Laws of 1937 and RCW 86.09.106;  
 (62) Section 37, chapter 72, Laws of 1937 and RCW 86.09.109;  
 (63) Section 38, chapter 72, Laws of 1937 and RCW 86.09.112;  
 (64) Section 39, chapter 72, Laws of 1937 and RCW 86.09.115;  
 (65) Section 40, chapter 72, Laws of 1937 and RCW 86.09.118;  
 (66) Section 41, chapter 72, Laws of 1937 and RCW 86.09.121;  
 (67) Section 42, chapter 72, Laws of 1937 and RCW 86.09.124;  
 (68) Section 43, chapter 72, Laws of 1937 and RCW 86.09.127;  
 (69) Section 44, chapter 72, Laws of 1937 and RCW 86.09.130;  
 (70) Section 45, chapter 72, Laws of 1937 and RCW 86.09.133;  
 (71) Section 46, chapter 72, Laws of 1937 and RCW 86.09.136;  
 (72) Section 47, chapter 72, Laws of 1937 and RCW 86.09.139;  
 (73) Section 48, chapter 72, Laws of 1937, section 6, chapter 154, Laws of 1967 and RCW 86.09.142;  
 (74) Section 49, chapter 72, Laws of 1937 and RCW 86.09.145;  
 (75) Section 80, chapter 72, Laws of 1937 and RCW 86.09.238;  
 (76) Section 81, chapter 72, Laws of 1937 and RCW 86.09.241;  
 (77) Section 82, chapter 72, Laws of 1937 and RCW 86.09.244;  
 (78) Section 83, chapter 72, Laws of 1937 and RCW 86.09.247;  
 (79) Section 84, chapter 72, Laws of 1937 and RCW 86.09.250;  
 (80) Section 85, chapter 72, Laws of 1937 and RCW 86.09.253;  
 (81) Section 86, chapter 72, Laws of 1937, section 6, chapter 26, Laws of 1965 and RCW 86.09.256;  
 (82) Section 88, chapter 72, Laws of 1937 and RCW 86.09.262;  
 (83) Section 97, chapter 72, Laws of 1937 and RCW 86.09.289;  
 (84) Section 99, chapter 72, Laws of 1937 and RCW 86.09.295;  
 (85) Section 100, chapter 72, Laws of 1937, section 8, chapter 154, Laws of 1967 and RCW 86.09.298;  
 (86) Section 106, chapter 72, Laws of 1937 and RCW 86.09.316;  
 (87) Section 111, chapter 72, Laws of 1937, section 5, chapter 104, Laws of 1982 and RCW 86.09.331;  
 (88) Section 112, chapter 72, Laws of 1937 and RCW 86.09.334;  
 (89) Section 113, chapter 72, Laws of 1937 and RCW 86.09.337;  
 (90) Section 114, chapter 72, Laws of 1937 and RCW 86.09.340;  
 (91) Section 115, chapter 72, Laws of 1937 and RCW 86.09.343;  
 (92) Section 116, chapter 72, Laws of 1937 and RCW 86.09.346;  
 (93) Section 117, chapter 72, Laws of 1937 and RCW 86.09.349;  
 (94) Section 118, chapter 72, Laws of 1937 and RCW 86.09.352;  
 (95) Section 119, chapter 72, Laws of 1937 and RCW 86.09.355;  
 (96) Section 120, chapter 72, Laws of 1937, section 6, chapter 104, Laws of 1982 and RCW 86.09.358;

(97) Section 121, chapter 72, Laws of 1937, section 7, chapter 104, Laws of 1982 and RCW 86.09.361;

(98) Section 122, chapter 72, Laws of 1937, section 9, chapter 26, Laws of 1965, section 71, chapter 292, Laws of 1971 ex. sess. and RCW 86.09.364;

(99) Section 123, chapter 72, Laws of 1937, section 8, chapter 104, Laws of 1982 and RCW 86.09.367;

(100) Section 124, chapter 72, Laws of 1937, section 9, chapter 104, Laws of 1982 and RCW 86.09.370;

(101) Section 125, chapter 72, Laws of 1937 and RCW 86.09.373; and

(102) Section 126, chapter 72, Laws of 1937 and RCW 86.09.376.

**NEW SECTION.** Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 150, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 150, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 150, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent, 4; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarmatt, Garrett, Gaspard, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senator Pullen - 1.

Absent: Senators Craswell, Goltz, Peterson, Rinehart - 4.

Excused: Senators Barr, Fleming, Guess, Hayner, Lee, Owen, Sellar, Talmadge - 8.

SUBSTITUTE HOUSE BILL NO. 150, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 254, by Committee on Commerce and Labor (originally sponsored by Representatives Grimm, Walk, Wang and Hargrove)

Requiring permits and inspections for the operation of amusement rides.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDermott, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Amusement structure" means any electrical or mechanical devices or combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" does not include games in which a member of the public must perform an act, nor concessions at which customers may make purchases.

(2) "Amusement ride" means any vehicle, boat, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement ride" shall not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that

does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

(3) "Department" means the department of labor and industries.

(4) "Insurance policy" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

NEW SECTION. Sec. 2. Before operating any amusement ride or structure, the owner or operator shall:

(1) Obtain a permit pursuant to section 3 of this act;

(2) Have the amusement ride or structure inspected for safety at least once annually by an insurer or a person with whom the insurer has contracted and obtain from the insurer or person a written certificate that the inspection has been made and that the amusement ride or structure meets the standards for coverage and is covered by the insurer as required by subsection (3) of this section;

(3) Have and keep in effect an insurance policy in an amount not less than one million dollars per occurrence insuring: (a) The owner or operator; and (b) any municipality or county on whose property the amusement ride or structure stands, or any municipality or county which has contracted with the owner or operator against liability for injury to persons arising out of the use of the amusement ride or structure;

(4) File with the department the inspection certificate and insurance policy required by this section; and

(5) File with each sponsor, lessor, landowner, or other person responsible for an amusement structure or ride being offered for use by the public a certificate stating that the insurance required by subsection (3) of this section is in effect.

NEW SECTION. Sec. 3. (1) Application for an operating permit to operate an amusement ride or structure shall be made on an annual basis by the owner or operator of the amusement ride or structure. The application shall be made on forms prescribed by the department and shall include the certificate required by section 2(2) of this act.

(2) The department shall issue a decal with each permit. The decal shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section or unless a shorter period is specified by the department, permits issued under section 3 of this act are valid for a one-year period.

(2) If an amusement ride or structure is materially rebuilt or materially modified so as to change the original action of the amusement ride or structure, the amusement ride or structure shall be subject to a new inspection under section 2 of this act and the owner or operator shall apply for a new permit under section 3 of this act.

(3) If an amusement ride or structure for which a permit has been issued pursuant to section 3 of this act is moved and installed in another place but is not materially rebuilt or materially modified so as to change the original action of the amusement ride or structure, no new permit is required prior to the expiration of the permit.

NEW SECTION. Sec. 5. (1) The department shall adopt rules under chapter 34.04 RCW to administer this chapter. Such rules may exempt amusement rides or structures otherwise subject to this chapter if the amusement rides or structures are located on lands owned by United States government or its agencies and are required to comply with federal safety standards at least equal to those under this chapter.

(2) The department may order in writing the cessation of the operation of an amusement ride or structure for which no valid permit is in effect or for which the owner or operator does not have an insurance policy as required by section 2 of this act.

(3) All proceedings relating to permits or orders to cease operation under this chapter shall be conducted pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 6. The department may charge a reasonable fee not to exceed ten dollars for each permit issued under section 3 of this act. All fees collected by the department under this chapter shall be deposited in the state general fund.

NEW SECTION. Sec. 7. Any person who operates an amusement ride or structure without complying with the requirements of this chapter is guilty of a gross misdemeanor.

NEW SECTION. Sec. 8. Nothing contained in this chapter prevents a county or municipality from adopting and enforcing ordinances which relate to the operation of amusement rides or structures and supplement the provisions of this chapter.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 67 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. This act shall take effect on January 1, 1986."

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

On page 1, line 2 of the title, after "RCW:" strike the remainder of the title and insert "prescribing penalties; and providing an effective date."

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 254, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Warnke, in the original bill and I haven't had time to get it out in front of me, the ski areas were exempted from this bill because they are already regulated under a different statute. Are they still exempted?"

Senator Warnke: "Yes, they are."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 254, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 254, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Barr, Fleming, Guess, Hayner, Lee, Sellar, Talmadge - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 254, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 376, by Committee on Ways and Means (originally sponsored by Representatives Tilly, Sommers, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Isaacson, Sanders, Padden and Haugen)

Providing for actuarial fiscal notes for retirement legislation.

The bill was read the second time.

## MOTIONS

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

On page 1, line 24, after "note" delete "shall" and insert "may"

On page 1, line 25, after "offered" delete "on the floor of the" and insert "in"

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 376, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 376, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 376, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senator Wojahn - 1.

Excused: Senators Barr, Guess, Hayner, Lee, Saling, Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 376, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 375, by Committee on Ways and Means (originally sponsored by Representatives Tilly, Sommers, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Miller and Isaacson)

Revising provisions relating to unfunded retirement system liability.

The bill was read the second time.

#### MOTION

Senator McDermott moved that the following Committee on Ways and Means amendments be considered simultaneously and adopted:

On page 3, beginning on line 14, delete "twenty-nine" and insert "forty"

On page 4, line 2, delete "twenty-nine" and insert "forty"

On page 5, line 4, delete "twenty-nine" and insert "forty"

On page 7, line 14, delete "twenty-nine" and insert "forty"

Debate ensued.

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

The motion by Senator McDermott carried and the committee amendments were adopted on a rising vote.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 375, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 375, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 375, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Barr, Guess, Hayner, Sellar, Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 375, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

INGROSSED SUBSTITUTE HOUSE BILL NO. 91, by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Sayan, Fisch, Nealey, Prince, Haugen, Schoon, Brough, C. Smith, Tanner and Isaacson)

Providing a public benefit system for approving for classification and valuing open space land with no current use.

The bill was read the second time.

#### MOTION

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

On page 2, line 14, after "That" strike all material down through "act" on line 17 and insert "if a public benefit rating system is adopted under section 3 of this 1985 act, the county legislative authority shall rate property applying for classification under RCW 84.34.020(1) (b) according to the public benefit rating system"

On page 2, line 20, after "shall" strike "be removed without penalty" and insert "not be removed from classification but may be rated according to the public benefit rating system"

On page 3, line 29, after "hearing" insert ": PROVIDED, That any county which has complied with the procedural requisites of this act, prior to the effective date of this act, need not repeat those procedures in order to adopt an open space plan pursuant to this act"

On page 4, line 7, after "adopted," insert "owners of"

On page 4, line 8, strike "with no current use then classified under this chapter that continue to qualify" and insert "then classified under this chapter"

On page 4, line 11, after "request" insert "of owner"

#### MOTION

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

Debate ensued.

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

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 91, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Newhouse - 1.

Excused: Senators Barr, Guess, Hayner, Sellar, Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 91, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 956 and the pending amendment by Senators Thompson and Zimmerman on page 7, line 10, to the Committee on Governmental Operations amendment, deferred earlier today.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Thompson and Zimmerman to the Committee on Governmental Operations amendment.

The motion by Senator Thompson carried and the amendment to the committee amendment was adopted.

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

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

#### MOTIONS

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

On page 1, line 2 of the title, strike "and 35.21.755" and insert "35.21.755, and 39.50.010"

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 956, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 956, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 956, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wajahn, Zimmerman - 36.

Voting nay: Senators Benitz, Cantu, Craswell, McCaslin, McDonald, Metcalf, Pullen, Rasmussen - 8.

Excused: Senators Barr, Guess, Hayner, Sellar, Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 956, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 622 and the pending Committee on Parks and Ecology striking amendment, deferred April 17, 1985.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the committee amendment was adopted.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 622, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 622, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 622, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators McCaslin, Pullen - 2.

Absent: Senators Newhouse, Wajahn - 2.

Excused: Senators Hayner, Sellar, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 622, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 380, by Committee on Environmental Affairs (originally sponsored by Representative Grimm)

Requiring the department of ecology to adopt rules and regulations to preclude flood damage.

The bill was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 7, chapter 240, Laws of 1951 as amended by section 4, chapter 212, Laws of 1984 and RCW 86.26.050 are each amended to read as follows:

State participation shall be in such flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. No participation may occur with a county or other municipal corporation unless the director of ecology (~~makes a finding that~~) has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be (~~engages in flood plain management activities~~), on the one hundred

year flood plain surrounding such area (~~that are adequate to protect or preclude flood damage to structures, works, and improvements that may be built within its planning jurisdiction on such flood plain after the request for state participation has been made, including restriction of land uses within a river's meander belt or floodway to only flood-compatible uses~~)).

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries.

No participation may occur with a county or other municipal corporation unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less. Such participation shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plan, must be approved by the department of ecology, in consultation with the department of fisheries.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 380, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 380, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 380, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Cantu, Craswell, McCaslin - 3.

Absent: Senators Owen, Stratton - 2.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 380, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1003, deferred April 12, 1985.

#### MOTION FOR RECONSIDERATION

Senator Warnke moved that the Senate reconsider the vote by which the amendment by Senator Warnke on page 10, line 29, was adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke to reconsider the vote by which the Warnke amendment on page 10, line 29, to Substitute House Bill No. 1003 was adopted.

The motion by Senator Warnke carried and the Senate resumed consideration of the amendment by Senator Warnke on page 10, line 29, on reconsideration.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Warnke on page 10, line 29, on reconsideration.

The Warnke amendment on page 10, line 29, to Substitute House Bill No. 1003 was not adopted, on reconsideration.

## MOTION

On motion of Senator Bottiger, all proposed amendments on the desk to Substitute House Bill No. 1003 were withdrawn.

## MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1003, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1003, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1003, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Voting nay: Senators Craswell, McCaslin, Pullen, Zimmerman - 4.

Absent: Senator Stratton - 1.

Excused: Senator Thompson - 1.

SUBSTITUTE HOUSE BILL NO. 1003, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator McDermott, Substitute House Bill No. 1003 was ordered immediately transmitted to the House of Representatives.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3, by Committee on Ways and Means (originally sponsored by Representatives Sutherland, Tanner, Rust and Unsoeld)

Providing for protection from radiation.

The bill was read the second time.

## MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Second Substitute House Bill No. 3 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 3.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 3 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Talmadge - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 660, by Committee on Transportation (originally sponsored by Representatives Gallagher, Schmidt, Haugen, Holland, S. Wilson and J. Williams) (by Washington State Patrol, Utilities and Transportation Commission request)

Authorizing the state patrol and the utilities and transportation commission to establish standards for private carriers.

The bill was read the second time.

## MOTION

Senator Peterson moved that the following Committee on Transportation amendment not be adopted:

On page 1, line 16, strike section 3 in its entirety and insert the following:

NEW SECTION. Sec. 3. The Washington utilities and transportation commission may adopt rules to implement and enforce standards related to qualification of drivers and hours of service for private carriers as defined by RCW 81.80.010(6). This authority and enforcement is limited to audits, and such rules shall correlate with and, as far as reasonable, conform to the regulations contained in 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on the effective date of this act. At least thirty days before filing notice of the proposed rules with the code reviser, the commission shall submit them to the legislative transportation committee for review.

NEW SECTION. Sec. 4. A violation of any rule adopted by the Washington utilities and transportation commission under section 3 of this act is a violation of commission rules for purposes of RCW 81.04.405.

NEW SECTION. Sec. 5. (1) Federal funds or grants shall be used to the fullest extent possible for the enforcement of the rules adopted under sections 1 and 3 of this act. If federal funds or grants made available for such enforcement are reduced, neither the state patrol nor the utilities and transportation commission shall supplant federal funds with state funds from any source.

(2) The delegation of rule-making authority contained in sections 1 and 3 of this act is conditioned upon the continued receipt of federal funds or grants for the support of state enforcement of such rules. Within ninety days of finding that federal funds or grants are withdrawn or not renewed, the Washington state patrol and the Washington utilities and transportation commission shall repeal any and all rules adopted under section 1 or 3 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 46 RCW."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Peterson to not adopt the Committee on Transportation amendment.

The motion by Senator Peterson carried and the Committee on Transportation amendment was not adopted.

## MOTIONS

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

On page 1, after "infraction," on line 15, insert the following and renumber the remaining sections consecutively.

Sec. 3. Section 46.56.135, chapter 12, Laws of 1961 as last amended by section 22, chapter 307, Laws of 1971 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle (~~shall~~) may be driven or moved on any public highway unless (~~such~~) the 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, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of (~~such~~) the roadway by public authority having jurisdiction. This prohibition shall not apply to a vehicle operated primarily for transporting vegetable and fruit processing plant by-products as long as the leakage is of liquids only and does not constitute a hazard to motorists. 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 (~~therefore~~) of cleaning.

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

On page 1, line 1 of the title, after "carriers," insert "amending RCW 46.61.655;"

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 660, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Peterson, I was off the floor when the motion was made not to adopt the Transportation Committee amendment and what I'm asking is whether or not by that motion we also eliminated an amendment that the committee put on which ended the program if federal funds were reduced or eliminated?"

Senator Peterson: "You very well might be right. It probably would be well to reinsert that portion of the amendment, Senator Patterson, if you wish to make that motion."

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 660, as amended by the Senate, was deferred.

#### MOTION

On motion of Senator Zimmerman, Senator Deccio was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, by Committee on Local Government (originally sponsored by Representatives O'Brien, Smitherman, Jacobsen, Patrick, Haugen and Tilly)

Revising LID laws.

The bill was read the second time.

#### MOTIONS

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

On page 8, after line 36, insert the following:

"Sec. 9. Section 35.44.190, chapter 7, Laws of 1965 and RCW 35.44.190 are each amended to read as follows:

Whenever any assessment roll for local improvements has been confirmed by the council, the regularity, validity, and correctness of the proceedings relating to the improvement and to the assessment therefor, including the action of the council upon the assessment roll and the confirmation thereof shall be conclusive in all things upon all parties. They cannot in any manner be contested or questioned in any proceeding by any person unless he filed written objections to the assessment roll in the manner and within the time required by the provisions of this chapter and unless he prosecutes his appeal in the manner and within the time required by the provisions of this chapter.

No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any assessment or the sale of any property to pay an assessment or any certificate of delinquency issued therefor, or the foreclosure of any lien therefor, except that injunction proceedings may be brought to prevent the sale of any real estate upon the ground (1) that the property about to be sold does not appear upon the assessment roll or, (2) that the assessment has been paid.

If federal or state funds become available for a local improvement after the assessment roll has been confirmed by the city legislative authority, the funds may be used to lower the assessments on a uniform basis. Any adjustments to the assessments because of the availability of federal or state funds may be made on the next annual payment.

Sec. 10. Section 28, chapter 72, Laws of 1967 and RCW 36.94.280 are each amended to read as follows:

Whenever any assessment roll for local improvements ~~((shall have))~~ has been confirmed by the ~~((board of county commissioners as herein provided))~~ county legislative authority, the regularity, validity and correctness of the proceedings relating to ~~((such))~~ the improvement and to the assessment therefor, including the action of the ~~((board))~~ county legislative authority upon ~~((such))~~ the assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding ~~((whatsoever))~~ by any person not filing written objections to ~~((such))~~ the assessment roll in the manner and within the time provided in this chapter, and not appealing from the action of the ~~((board of county commissioners))~~ county legislative authority in confirming ~~((such))~~ the assessment roll in the manner and within the time in this chapter provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any ~~((such))~~ assessment, or the sale of any property to pay ~~((such))~~ an assessment, or any certificate of

delinquency issued therefor, or the foreclosure of any lien issued therefor: PROVIDED, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

- (1) That the property about to be sold does not appear upon the assessment roll, or
- (2) That ~~((said))~~ the assessment has been paid.

If federal or state funds become available for a local improvement after the assessment roll has been confirmed by the county legislative authority, the funds may be used to lower the assessments on a uniform basis. Any adjustments to the assessments because of the availability of federal or state funds may be made on the next annual payment.

Renumber the sections consecutively.

On motion of Senator McCaslin, the following amendments to the Committee on Governmental Operations amendment were considered simultaneously and adopted:

On page 2, line 10, after "federal" insert ", local."

On page 3, line 33, after "federal" insert ", local."

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

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

#### MOTIONS

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

On page 1, line 3 of the title, strike "and 35.44.020;" and insert "35.44.020, 35.44.190, and 36.94.280;"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 379, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 379, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 379, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Rinehart, Saling, Sellar, Stratton, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Benitz, Bottiger, Cantu, Craswell, Hansen, Hayner, Kiskaddon, McCaslin, Patterson, Pullen, Rasmussen - 11.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio, Talmadge - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, by Committee on Commerce and Labor (originally sponsored by Representatives Patrick and S. Wilson)

Revising requirements for chance drawings by in-state grocery retail outlets.

The bill was read the second time.

#### MOTION

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 139, Laws of 1981 as amended by section 1, chapter 207, Laws of 1984 and RCW 9.46.020 are each amended to read as follows:

- (1) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participates;
- (b) The outcome depends in a material degree upon the skill of the contestant;
- (c) Only merchandise prizes are awarded;
- (d) The outcome is not in the control of the operator;
- (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
- (f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and 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. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall

constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

~~(For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:~~

~~(a) Listening to or watching a television or radio program or subscribing to a cable television service;~~

~~(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;~~

~~(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;~~

~~(d) Visitation to any business establishment to obtain a coupon, or entry blank;~~

~~(e) Mere registration without purchase of goods or services;~~

~~(f) Expenditure of time, thought, attention and energy in perusing promotional material;~~

~~(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;~~

~~(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED: That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER: That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or~~

~~(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.~~

~~For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.))~~

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity: PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit;

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary; and

(c) Members of any chapter or local unit within the jurisdiction of the next higher level of the parent organization, and members of a bona fide auxiliary to that chapter or unit, may assist any other chapter or local unit of that same organization licensed by the commission in the conduct of gambling activities.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees

which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may (~~jointly~~) join together to jointly conduct a fund raising event if:

(i) Approval to do so is received from the commission; and

(ii) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission.

The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection.

A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year.

The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event.

Sec. 2, Section 2, chapter 139, Laws of 1981 as amended by section 1, chapter 70, Laws of 1984 and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members, their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance

with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together do not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission,

golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

(10)(a) The legislature hereby authorizes promotional contests of chance conducted in this state, or partially in this state, in which a person is required, in order to participate in the contest equally with other participants, to do only one or more of the following:

(i) Listen to or watch a television or radio program or subscribe to a cable television service;

(ii) Fill out and return a coupon or entry blank or facsimile which is received through the mail, or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such newspaper, magazine, or program;

(iii) Send a coupon or entry blank by United States mail to a designated address;

(iv) Visit a business establishment to obtain or deposit a coupon or entry blank;

(v) Merely register, without the purchase of goods or services;

(vi) Expend time, thought, attention, and energy in perusing promotional material;

(vii) Place or answer a telephone call in a prescribed manner or otherwise make a prescribed response, guess, or answer;

(viii) Furnish the container of a product as packaged by the manufacturer, or a particular portion thereof, but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten thereon is acceptable in lieu thereof; or

(ix) Pay an admission fee to gain admission to any bona fide exposition, fair, or show for the display or promotion of goods, wares, or services, or any agricultural fair authorized under chapter 15.76 or 36.37 RCW, if (A) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (B) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

(b) Notwithstanding any other provision of this subsection, where any contest of chance is conducted by or on behalf of in-state retail grocery outlets in connection with business promotions, no such in-state retail grocery outlet may conduct more than one such contest of chance during each calendar year and the period of the contest of chance and its promotion shall not extend for more than fourteen consecutive days: PROVIDED, That if the sponsoring organization has more than one outlet in the state, such contests of chance must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate contest of chance in connection with the initial opening of any such outlet: PROVIDED FURTHER, That such contests of chance may be conducted on an ongoing basis if the prizes awarded or accumulated to award do not exceed thirty dollars a day or five thousand dollars a year in the aggregate for all outlets of the sponsoring organizations. Nothing in this paragraph (b) applies to contests of chance conducted by or in connection with business promotions by manufacturers.

For purposes of this section, in-state retail grocery outlet includes any establishment or recognized grocery department thereof in which more than twenty percent of the gross receipts result from the sale of food items for off-premises preparation. These food items include such products as meat, poultry, fish, bread, cereals, vegetables, fruit, dairy products, coffee, tea, cocoa, carbonated and uncarbonated beverages, candy, condiments, spices, and canned goods, and like products; but not including prepared hot foods or hot food products ready for immediate consumption.

(c) For the purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the applicable rules of the federal communications commission. Broadcast programming, including advertising for others and station promotion, that complies with federal statutes and regulations is hereby authorized.

(11) The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Warnke, will you refresh our memory? What is the twenty percent qualification on the last portion of the digest?"

Senator Warnke: "The twenty percent is the definition of instate retail grocery outlets and we modified that to include the establishment in which twenty percent of the gross receipts result from the sale of food for off premise preparation."

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

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

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 101, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, did I hear you correctly in saying that this bill was aimed at the Safeway stores and their bingo game?"

Senator Warnke: "I can't recall my remarks mentioning any establishment by name."

Senator Rasmussen: "Would this now, Senator Warnke, prohibit Safeway stores from conducting bingo games as they have in the past?"

Senator Warnke: "This bill will allow any grocery outlet to hold any bingo game, but for not more than fourteen consecutive days, or in the case of a grand opening of store and they can only run them more than fourteen days if there is more than thirty dollars a day, which computes to \$5,000 a year, which is the limit in the gambling act."

Senator Rasmussen: "Senator Warnke, in a case of a grand opening they may, how about a grand closing? We have many stores that have a grand closing every week and they have grand openings also. If they just head it--'we're celebrating a grand opening'--and put another counter in the store, then they can have their bingo?"

Senator Warnke: "If this bill passes, there may not be as many grand closings as there are grand openings."

Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Warnke, I would appreciate further definition as to what--there are several references to instate retail grocery stores and I would like to know what, by definition under this act, is an instate retail grocery outlet?"

Senator Warnke: "You know, Senator Patterson, I can't recall why we said instate except that I don't think the state has the ability to prohibit retail outlets that may be across the border, for example, in Oregon from running a bingo game, and I believe the instate refers only to stores which are physically situated inside the state of Washington."

Senator Patterson: "Then under that definition they could be an out-of-state multi type of corporation that has an outlet in the state of Washington, and under this definition then, like a Safeway store, would be prohibited?"

Senator Warnke: "Yes."

Further debate ensued.

Senators Bottiger, Pullen and Warnke demanded the previous question and the demand was sustained.

#### PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, this bill does two things. It reduces gambling on one hand and it extends gambling on the other hand. Does this bill require a sixty percent majority to pass?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President thinks not."

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "I wish to inquire of the President, I didn't know that we had a rule that only two for and two against, or three for and six against, whatever it was that Senator Bottiger remarked on. I knew that we had a three-minute rule, Mr. President, but could you enlighten me on the rest of it? Or is that a figment of his imagination?"

#### REPLY BY THE PRESIDENT

President Cherberg: "It's possible that Senator Bottiger has an agreement with leadership that the President is unaware of."

Senator Rasmussen: "I'm part of the leadership and they didn't have an agreement with me, and we vote blindly, Mr. President. I hope we don't get that blinded."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I was just calling--hopefully in a subtle way--calling the attention of the body to the other important measures that are remaining here to be considered by the cutoff time."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 101, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 101, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Bailey, Benitz, Cantu, Conner, Craswell, Garrett, Guess, Halsan, Hayner, Kiskaddon, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 16.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 660, as amended by the Senate, deferred on third reading earlier today.

#### MOTIONS

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 660, as amended by the Senate, was returned to second reading and read the second time.

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

On page 1, after line 12, insert:

NEW SECTION. Sec. 2. The delegation of rule-making authority contained in sections 1 and 3 of this act is conditioned upon the continued receipt of federal funds or grants for the support of state enforcement of such rules. Within ninety days of finding that federal funds or grants are withdrawn or not renewed, the Washington state patrol and the Washington utilities and transportation commission shall repeal any and all rules adopted under sections 1 or 3 of this act.

Renumber the remaining sections and correct internal references accordingly.

#### MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 660, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 660, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Saling, Sellar, Zimmerman - 18.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1116, by Committee on Local Government (originally sponsored by Representatives Day, Padden, Dellwo, Silver, Barrett, Taylor, Haugen, Isaacson, J. King, Bond, West and Fuhrman)

Authorizing the establishment of aquifer protection areas.

The bill was read the second time.

#### MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The protection of subterranean water from pollution or degradation is of great concern. The purpose of this chapter is to allow the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. Pollution and degradation of subterranean drinking water supplies pose immediate threats to the safety and welfare of the citizens of this state.

Sections 1 through 5 of this act shall not take effect unless, by August 1, 1985, four hundred million dollars of state general obligation bonds are authorized, a state tax plan is authorized, or some combination thereof, for the purpose of public waste disposal and management facilities, including facilities that will protect sole source aquifers and other groundwater bodies.

**NEW SECTION.** Sec. 2. The county legislative authority of a county may create one or more aquifer protection areas for the purpose of funding the protection, preservation, and rehabilitation of subterranean water.

When a county legislative authority proposes to create an aquifer protection area it shall conduct a public hearing on the proposal. Notice of the public hearing shall be published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed aquifer protection area. The public hearing may be continued to other times, dates, and places announced at the public hearing, without publication of the notice. At the public hearing, the county legislative authority shall hear objections and comments from anyone interested in the proposed aquifer protection area.

After the public hearing, the county legislative authority may adopt a resolution causing a ballot proposition to be submitted to the registered voters residing within the proposed aquifer protection area to authorize the creation of the aquifer protection area, if the county legislative authority finds that the creation of the aquifer protection area would be in the public interest. The resolution shall: (1) Describe the boundaries of the proposed aquifer protection area; (2) find that its creation is in the public interest; (3) state the maximum level of fees for the withdrawal of water, or on-site sewage disposal, occurring in the aquifer protection area, or both; and (4) describe the uses for the fees.

An aquifer protection area shall be created by ordinances of the county if the voters residing in the proposed aquifer protection area approve the ballot proposition by a simple majority vote. The ballot proposition shall be in substantially the following form:

"Shall the \_\_\_\_\_ (insert the name) aquifer protection area be created and authorized to impose monthly fees on \_\_\_\_\_ (insert "the withdrawal of water" or "on-site sewage disposal") of not to exceed \_\_\_\_\_ (insert a dollar amount) per household unit for up to \_\_\_\_\_ (insert a number of years) to finance \_\_\_\_\_ (insert the type of activities proposed to be financed)?

Yes ..... \_\_\_\_\_  
 No ..... \_\_\_\_\_

If both types of monthly fees are proposed to be imposed, maximum rates for each shall be included in the ballot proposition.

An aquifer protection area may not include territory located within a city or town without the approval of the city or town governing body, nor may it include territory located in the unincorporated area of another county without the approval of the county legislative authority of that county.

**NEW SECTION.** Sec. 3. Aquifer protection areas are authorized to impose fees on the withdrawal of subterranean water and on on-site sewage disposal. The fees shall be expressed as a dollar amount per household unit. Fees imposed for the withdrawal of water, or on-site sewage disposal, other than by households shall be expressed and imposed in equivalents of household units. If both types of fees are imposed, the rate imposed on on-site sewage disposal shall not exceed the rate imposed for the withdrawal of water.

No fees shall be imposed in excess of the amount authorized by the voters of the aquifer protection area. Fees shall only be used for the activity or activities authorized by the voters of the aquifer protection area. Ballot propositions may be submitted to the voters of an aquifer protection area to authorize a higher maximum level of such fees or to authorize additional activities for which the fees may be used. Such a ballot proposition shall be substantially in the form of that portion of the proposition to authorize the creation of an aquifer protection district that relates to fees or activities, as provided in section 2 of this act. Approval of the ballot proposition by simple majority vote shall authorize the higher maximum level of fees or additional activities for which the fees may be used.

A county may contract with existing public utilities to collect the fees, or collect the fees itself.

**NEW SECTION.** Sec. 4. Aquifer protection areas may impose fees to fund:

- (1) The preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water;
- (2) The construction of facilities for: (a) The removal of water-borne pollution; (b) water quality improvement; (c) sanitary sewage collection, disposal, and treatment; and (d) storm water or surface water drainage collection, disposal, and treatment; and

(3) The proportionate reduction of special assessments imposed by a county, city, town, or special district in the aquifer protection area for any of the facilities described in subsection (2) of this section.

NEW SECTION. Sec. 5. A county legislative authority may dissolve an aquifer protection area upon a finding that such dissolution is in the public interest.

A ballot proposition to dissolve an aquifer protection district shall be placed on the ballot for the approval or rejection of the voters residing in an aquifer protection area, when a petition requesting such a ballot proposition is signed by at least twenty percent of the voters residing in the aquifer protection area and is filed with the county legislative authority of the county originally creating the aquifer protection area. The ballot proposition shall be placed on the ballot at the next general election occurring sixty or more days after the petition has been filed. Approval of the ballot proposition by a simple majority vote shall cause the dissolution of the aquifer protection area.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF INQUIRY

Senator Bluechel: "Senator Kreidler, we just got this amendment and it's difficult to read. It's about a seven page amendment in about thirty seconds. Could you specifically describe the differences between the amendment you propose and the bill as it came from committee that is in the book here."

Senator Kreidler: "Thank you, Senator Bluechel. I would like to point out two things--one is an amendment that was passed out, a short couple of lines amendment, and that one does not need to be offered now with the motion that I made right now so I'm not going to offer it. The second part is that this was the committee amendment as it came out of committee and apparently it would not have been in the books--and that's the reason it was passed out when it did. It is identical to the language as when it came out of committee as we dealt with it, so we are essentially going back. If there's a 'no' vote on the amendment, then we are essentially back to the language as it came over from the House."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, without the amendment, it provides that if both types of fees are imposed, the on-site sewage disposal fees cannot be greater than the withdrawal of water fees. Let's assume that I'm a farmer and I'm drawing out 10,000 gallons of water a day when I'm spraying my fields, would that mean that the on-site sewage disposal fee for his septic tank would equal the amount of fee for the water withdrawal?"

Senator Kreidler: "Senator, as I understand it, that's a way of limiting to reassure those people those fees would not be exorbitant and that's the reason the language is in there, not the reverse that they would be too high as a result of that language."

Senator Rasmussen: "Then, I'm a farmer and I have my little well and I also have my septic tank and nothing else, and I'm forty miles from nowhere. They are going to charge me for my septic tank and my well water?"

Senator Kreidler: "The answer to that, Senator, would be 'no.' We're talking about in the aquifer protection area. What you're describing there would obviously be a situation where they would not be inscribed into that area if they are, indeed, geographically that far removed from the area."

Senator Rasmussen: "It could be, as I understand, one large aquifer protection district."

Senator Kreidler: "To insure that one individual out there from ever having a problem of this nature, we're talking about an issue that is going to be decided by the local community by virtue of a vote, so there's adequate protections in there from the standpoint of someone being inscribed into an area or being exposed to fees they were adamantly opposed to. It's going to be a local decision."

## PARLIAMENTARY INQUIRY

Senator Kiskaddon: "A parliamentary inquiry--what is the motion?"

## REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is the motion by Senator Kreidler that the Senate not adopt the Committee on Parks and Ecology amendment."

The President declared the question before the Senate to be the motion by Senator Kreidler to not adopt the Committee on Parks and Ecology amendment to Substitute House Bill No. 1116.

The motion by Senator Kreidler carried and the committee amendment was not adopted.

## MOTIONS

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Guess was adopted:

On page 3, line 20, after "water" strike "; and insert ". This plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 1116, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "I'm looking at the committee amendment, Senator Guess, and I was wondering, in the language it says, 'The legislative authority of a county may create one or more aquifer protection areas for the purposes, etc.' What happens when you have the subterranean river going from one state into the state of Washington, or from one county into another county?"

Senator Guess: "Would you state that question over?"

Senator Patterson: "I don't know whether the language is in the old bill--it is in the old bill and the question I have is on page 2 of the old bill--it says, 'The legislative authority of a county may create one or more aquifer protection areas for the purpose of protection and preservation of a subterranean river' and what I'm asking is what affect this has or how do you handle a situation where a river stands between the border of a state into the state of Washington or that it encompasses two counties?"

Senator Guess: "Senator, I'll have to answer first on across the state line. In the instance of the Rafton Plain, out east of Spokane, the state of Idaho ten years ago adopted far more stringent regulations than the state of Washington has been able to adopt, so they stopped polluting the aquifer a long time ago, we continued to do that, or at least to have our septic tanks. Now, if you've got two counties, I don't know of any situation where you have two counties but each county under an intergovernmental contract relationship would be able to do the same thing."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1116, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Pullen, Rasmussen - 3.

Absent: Senator Hayner - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 1116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 358, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Betrozoff, Allen, Vekich, Belcher, Nutley, Wang, Miller, Fisch, Winsley, Leonard, Van Luven and Unsoeld)

Authorizing employees to inspect their personnel files for irrelevant or erroneous information.

The bill was read the second time.

## MOTIONS

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

On page 1, line 6, after "file(s)," insert "An 'employee' is defined as a person currently employed or on a leave of absence with a right to return to the employer or a person whose employment has terminated within the preceding twelve months."

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

On page 1, line 11, after "file(s)" insert "that are regularly maintained by the employer as a part of his business records or are subject to reference for information given to persons outside of the company"

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 358, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 358, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 358, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, McCaslin, Metcalfe, Sellar, Zimmerman - 9.

Absent: Senator Hayner - 1.

SUBSTITUTE HOUSE BILL NO. 358, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 846, by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Van Luven, Todd, Miller, Braddock, Long, Appelwick, J. Williams, Sanders and Isaacson)

Authorizing municipalities to develop electric generation capabilities.

The bill was read the second time.

## MOTIONS

Senator Williams moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. For the purposes of this act, the legislature finds it is the policy of the state of Washington that:

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

(2) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

Sec. 2. Section 35.92.010, chapter 7, Laws of 1965 and RCW 35.92.010 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold at a price no greater than the cost of generation to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 3. Section 35.92.070, chapter 7, Laws of 1965 and RCW 35.92.070 are each amended to read as follows:

When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility or make any additions and betterments thereto or extensions thereof, it shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection to the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the work proposed is (a) an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks(:); PROVIDED, That submission by a city or town that does not own or operate an electric utility system shall be necessary for a work which may produce electricity for sale in excess of present and future needs of the water system if such work involves an ownership greater than twenty-five percent in a new water supply project combined with an electric generation facility or if the combined facility has an installed capacity in excess of five megawatts; or (b) an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;

(2) When in the charter of a city or town a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities, for which no general indebtedness is to be incurred; or

(3) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream and the danger to

the public health may be abated by the construction and maintenance of a sewage disposal plant for which no general indebtedness shall be incurred by the city or town responsible for such contamination.

If a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election.

If no general indebtedness is to be incurred the proposition may be adopted by a majority vote.

~~((Fen))~~ Thirty days' notice of the election shall be given in the newspaper doing the city or town printing, by publication ~~((in each issue of))~~ at least once each week in the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

Sec. 4. Section 8, chapter 114, Laws of 1929 as amended by section 1, chapter 108, Laws of 1959 and RCW 57.08.010 are each amended to read as follows:

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, distribution and price thereof. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system. Such electricity may be used by the water district or sold at a price no greater than the cost of generation to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

Sec. 5. Section 10, chapter 210, Laws of 1941 as last amended by section 4, chapter 190, Laws of 1981 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners

appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold at a price no greater than the cost of generation to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

NEW SECTION. Sec. 6. A new section is added to chapter 90.54 RCW to read as follows:

In addition to other requirements of this chapter, when the proposed water resource development project involves a new water supply combined with an electric generation facility where such electricity generated may be sold to an entity authorized by law to distribute electricity, the department shall evaluate and utilize, in connection with any application to appropriate water pursuant to the water code, chapter 90.03 RCW, sufficient information furnished by the project applicant regarding the need for the project, alternative means of serving the purposes of the project, the cumulative effects of the project and similar projects that are built, under construction or permitted in the relevant river basin or basins and an estimate of the impact, if any, of the sale of the project's electricity on the rates of utility customers of the Bonneville power administration. Such information shall be furnished at the project applicant's own cost and expense.

NEW SECTION. Sec. 7. (1) Nothing in this act exempts any city or town, water district, or sewer district from compliance with applicable state and federal statutes and regulations including but not limited to: State environmental policy act, chapter 43.21C RCW; national environmental policy act, 42 U.S.C. Sec. 4321 et seq.; federal power act, 16 U.S.C. Sec. 791 et seq.; public utility regulatory policies act, 15 U.S.C. Sec. 717f; Pacific northwest electric power planning and conservation act, 16 U.S.C. Sec. 839; energy financing voter approval act, chapter 80.52 RCW; water resources act, chapter 90.54 RCW; federal clean water act, 33 U.S.C. Sec. 1251 et seq.; the public water system coordination act, chapter 70.116 RCW; and the state clean water act, chapter 90.48 RCW.

(2) In addition, if the work proposed under this act involves a new water supply project combined with an electric generation facility with an installed capacity in excess of five megawatts which may produce electricity for sale in excess of present and future needs of the water system, then each of those with a greater than twenty-five percent ownership interest in the project shall jointly prepare an independent economic feasibility study evaluating the cost-effectiveness of the combined facility in the context of forecast regional water needs, alternate sources of water supply, and the potential impact of the combined facility on rates charged for water and electricity.

In addition to the economic feasibility study, the results of the environmental impact statement required by chapter 43.21C RCW and any review by the department of ecology made pursuant to chapter 90.54 RCW shall be made available to the public at least sixty days prior to any public vote on the new combined project.

(3) This act supplements the authority of cities and towns, water districts, and sewer districts and does not restrict or impose limits on any authority such municipal corporations may otherwise have under any laws of this state nor may the authority of such municipal corporations under other laws of this state be construed more narrowly on account of this act.

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

Senator Goltz moved that the following amendments by Senators Goltz and McDonald to the Committee on Energy and Utilities amendment be considered simultaneously and adopted:

On page 2, line 26, after "sold", strike "at a price no greater than the cost of generation"

On page 8, line 23, after "sold", strike "at a price no greater than the cost of generation"

On page 11, line 26, after "sold", strike "at a price no greater than the cost of generation"

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, the question I have about this amendment--about this whole issue--is this dam really being built for electrical generation or is it being built to have the city of Bellevue to acquire its own water system independent from that of the city of Seattle?"

Senator McDonald: "The dam, whether it's built or not, is the decision of the East Side Water Venture, which is a venture of many towns and water districts across there and this bill doesn't do anything to that. The answer to your question, Senator Talmadge, is if we don't allow them to generate power and put that back to lower the water rates what that will do is they will put energy dissipators into the lines, because the pressure would be too great in the lines and you simply have to get rid of that energy. You do that then by energy dissipation. What this will allow us to do, if the venture goes forward, and there are a lot of checks and balances in there, is to use that drop in pressure to generate electricity and then the revenue generated from that will be used to reduce the cost of power and that seems to me to be a reasonable----"

Senator Talmadge: "Are you assuring me, Senator McDonald, that the revenues derived from this project will not be employed to build a new water system for the city of Bellevue and the other cities on the east side of the lake?"

Senator McDonald: "The revenues derived from generation of the power, Senator Talmadge, will be used to reduce the rate for water, and that's all this bill does."

Senator Talmadge: "I guess I still haven't really gotten an answer to the question as to whether or not the revenues derived from this will be used when the city of Bellevue sells the power at a greater than the cost of generation for the construction of a new water system for the eastside cities."

Senator McDonald: "The cost of building the dam is far in excess of what the power generated will get us, so that's not a question, they are going to have to sell bonds or they are going to have to generate revenue in some way to build the dam. The power generated will simply be a by-product of the water transmitted into the city and, therefore, that revenue will be used to somewhat offset the cost of the bonds. Have I answered your question?"

Senator Talmadge: "Not entirely."

Senator McDonald: "It costs more to build this dam than the power that is generated will give you back."

Senator Talmadge: "I just want assurance from one of the proponents of this measure that the monies derived from this will be used to deal with the issue of paying back the cost of construction of the dam, perhaps lowering the rate of the electrical users on the east side, and not for the purpose of using one project to finance another--which might be desired by the east side cities."

Senator McDonald: "No, that is clearly not the intent or what would be authorized in this bill."

The President declared the question before the Senate to be adoption of the amendments by Senators Goltz and McDonald to the Committee on Energy and Utilities amendment.

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

#### MOTION

On motion of Senator Bailey, the following amendment to the Committee on Energy and Utilities amendment was adopted:

On page 14, line 3, after "basins" insert: ", the impact, if any, on flood control plans"

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

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

#### MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

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

On page 1, line 2 of the title, after "57.08.010," strike all material through "90.54.100;" and insert "and 56.08.010; adding a new section to chapter 90.54 RCW;"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 846, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 846, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 846, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators Craswell, Gaspard, Kreidler, McDermott, Moore, Pullen, Rinehart, Talmadge, Wojahn - 9.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 846, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 575, by Representatives Fisher, Winsley, Fisch, Walk, Wang, Smitherman and Ebersole

Authorizing payroll deductions for political contributions by public transportation employees.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 575 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Warnke, there's a bill on our concurrent calendar, Senate Bill No. 3189, that deals with state employees that, as I understand it, has very similar language in it, so that we make sure we are being reasonably consistent, could you tell me how the language in this bill compares with the language in 3189?"

Senator Warnke: "This bill deals with metro employees. The other bill deals with public employees."

Senator Pullen: "I'm not comparing with who it deals with, but what the specific mechanism is for the deductions and what the specific rights for any of the specific affected groups."

Senator Warnke: "The payroll deduction authorization must be signed by the employee--must be covered by the collective bargaining agreement in this bill. Frankly, I cannot recall 3189. I do not recall 3189."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 575.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 575 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognil, the Senate advanced to the ninth order of business.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Halsan moved that the Senate now consider the vote by which Substitute House Bill No. 112, as amended by the Senate, failed to pass the Senate April 17, 1985.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Halsan to reconsider the vote by which Substitute House Bill No. 112, as amended by the Senate, failed to pass the Senate.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Halsan for reconsideration carried by the following vote: Yeas, 26; nays, 22; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Garrett, Guess, Hayner, Johnson, Lee, McCaslin, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator Deccio - 1.

Senators Bottiger, Talmadge and Peterson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 112, as amended by the Senate, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 112, as amended by the Senate, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Garrett, Granlund, Guess, Hayner, Johnson, Lee, McCaslin, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 24.

Absent: Senators Deccio, McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 112, as amended by the Senate, on reconsideration, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Kreidler moved that the Senate now reconsider the vote by which Substitute House Bill No. 814, as amended by the Senate, failed to pass the Senate April 18, 1985.

The President declared the question before the Senate to be the motion by Senator Kreidler to reconsider the vote by which Substitute House Bill No. 814 failed to pass the Senate.

The motion by Senator Kreidler carried and the Senate commenced consideration of Substitute House Bill No. 814, as amended by the Senate, on reconsideration.

#### MOTIONS

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 814 was returned to second reading and read the second time.

Senator Kreidler moved that the Senate reconsider the vote by which the Committee on Parks and Ecology amendment, as amended, was adopted.

The President declared the question before the Senate to be the motion by Senator Kreidler to reconsider the vote by which the Committee on Parks and Ecology amendment, as amended, to Substitute House Bill No. 814 was adopted.

The motion by Senator Kreidler carried and the Senate reconsidered the vote by which the Committee on Parks and Ecology amendment, as amended, was adopted.

#### MOTION

Senator Kreidler moved that the Kreidler amendment on page 4, line 13, to the Committee on Parks and Ecology amendment be withdrawn.

The President declared the question before the Senate to be the motion by Senator Kreidler to withdraw the Kreidler amendment on page 4, line 13, to the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the amendment to the Parks and Ecology amendment was withdrawn.

#### MOTION

Senator Kreidler moved that the Committee on Parks and Ecology amendment, without the Kreidler amendment, on reconsideration, be adopted.

The President declared the question before the Senate to be the motion by Senator Kreidler to adopt the Committee on Parks and Ecology amendment, without the Kreidler amendment, on reconsideration.

The motion by Senator Kreidler carried and the Committee on Parks and Ecology amendment, without the Kreidler amendment, on reconsideration, was adopted.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 814, as amended by the Senate, without the Kreidler amendment, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 814, as amended by the Senate, without the Kreidler amendment, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 814, as amended by the Senate, without the Kreidler amendment, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Patterson, Pullen, Sellar - 4.

Absent: Senator Bauer - 1.

SUBSTITUTE HOUSE BILL NO. 814, as amended by the Senate, without the Kreidler amendment, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, the Senate returned to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 723 and the pending striking Committee on Ways and Means amendment, deferred earlier today.

#### MOTION

Senator Williams moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 4, after line 19 of the committee amendment, insert a new section to read as follows:

NEW SECTION, Sec. 2. A new section is added to chapter 70.98 RCW to read as follows:

(1) (a) The agency shall institute a user permit system and issue site permits consistent with current regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

(b) The costs of administering the user permit system shall be borne by the applicants for site use permits.

(c) The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste.

(2) In addition to the fee collected pursuant to subsection (1) of this section, the agency shall collect a surveillance fee, consistent with current regulatory practices, which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fees shall not be used to support monitoring or other activities not related to the management and disposal of low-level radioactive waste. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee.

(3) The agency may adopt such rules as are necessary to carry out its responsibilities under this section."

Re-number the remaining sections accordingly.

Debate ensued.

#### POINT OF ORDER

Senator Guess: "Mr. President, I raise the point that the amendment by Senator Williams expands the scope and object of the original bill.

"Mr. President, Engrossed House Bill No. 723 extends or raises a 33 percent tax on low-level radioactive waste activities to raise 75 million dollars in this biennium. The amendment offered by Senator Williams leaves the low level waste area entirely and it directs the state radiation control agency with the Department of Social and Health Services to conduct environmental monitoring to verify the radiation monitoring being conducted by the federal government in high level waste. It further directs the Department of Ecology to seek funds from the federal government to carry out this monitoring and it does in fact expand the scope and object of the original bill."

Further debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Engrossed House Bill No. 723 is a measure extending the 33% tax on low level radioactive waste activities to all radioactive waste site activities and to disposal site activities.

"The amendment proposed by Senator Williams codifies a permit system for radiation generators, packagers and brokers and authorizes the collection of user fees to fund monitoring activities regarding radiation.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment to the Committee on Ways and Means amendment was ruled in order.

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

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Williams to the Committee on Ways and Means amendment.

## ROLL CALL

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

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Paterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Absent: Senators Lee, Rasmussen - 2.

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

The motion by Senator McDermott carried and the committee amendment was adopted.

## MOTIONS

On motion of Senator Zimmerman, Senator Johnson was excused.

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

On page 1, line 1 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 82.04.260; and providing an effective date."

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 723, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator Benitz, the stated purpose of this bill was to provide revenues to enable the state to monitor and evaluate a potential repository site on the Hanford Reservation. From your perspective as a ranking member of the Senate Energy and Utilities Committee, is that your view of this bill?"

Senator Benitz: "It is my view that this bill singles out nuclear waste activities at the highest rate imposed by the state, not because of health and safety concerns, but rather as punitive measure against the federal government and its contractors. This bill defines disposal activities as including all of the preliminary activities that are going on at Hanford to determine the suitability of the site. There is, at present, no disposal activity involving commercial spent fuel or waste, and it could be--as Senator Guess said--up to 13 years before such an activity takes place. The work being performed by the federal government and its contractors in this area is

sophisticated engineering and geological analyses. However, since it may eventually involve nuclear waste disposal, the bill singles out these activities for an extremely high tax rate. This is particularly onerous since the state has requested grant funds from the Department of Energy under the Nuclear Waste Policy Act to perform the monitoring and independent investigations, which the proposed bill states is its basic intent. Under these circumstances, it's obvious that this bill unfairly discriminates against the federal government and its contractors."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 723, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 723, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, Metcalf, Newhouse, Pullen, Sellar, Zimmerman - 14.

Absent: Senator Patterson - 1.

Excused: Senator Johnson - 1.

ENGROSSED HOUSE BILL NO. 723, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 46, by Committee on Judiciary (originally sponsored by Representatives Armstrong and Kremen)

Clarifying the intent of the consumer protection act.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 26, after per se" strike all material down to and including "arrangements" on line 27

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 46, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, being a non-lawyer, how would you define unreasonable?"

Senator Talmadge: "Senator Kiskaddon, there's something in the federal anti-trust law called the rule of reason that's been applied to allow certain kinds of anticompetitive activities. However, the federal courts have indicated that certain kinds of activities are unreasonable per se and they include some of the things I described, such as price fixing, division of market places--you get this market and I get that market and that kind of thing, or other arrangements--you buy my product and if you buy it, then you get this other product--which is a little bit scarcer. Those kinds of unreasonable things are considered to be violations of the antitrust law per se. This essentially makes our state antitrust law, anticompetitive law, similar to what now applies to federal law."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 46, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 46, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Pullen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 46, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1195, by Committee on State Government (originally sponsored by Representatives Addison, P. King and Holland)

Directing state agencies to establish flexible-time work schedules for employees.

The bill was read the second time.

## MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1195 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1195.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 576, by Representatives Haugen and Brough

Increasing contract amounts for approved use of small works roster.

The bill was read the second time.

## MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Thompson, contracting out bills are usually very, very controversial. I was wondering if this particular bill had some sort of agreement or

understanding between the two parties that are usually at logger heads on this type of bill?"

Senator Thompson: "It does indeed, Senator Pullen. The contractors and cities have worked out this arrangement."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 576.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 576 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 151, by Representatives Nealey, Niemi, Fuhrman, Belcher, Chandler, May, Isaacson and Silver

Authorizing expanded use of the state seal.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that the seal of the state of Washington is a symbol of the authority and sovereignty of the state and is a valuable asset of its people. It is the intent of the legislature to ensure that appropriate uses are made of the state seal and to assist the secretary of state in the performance of the secretary's constitutional duty as custodian of the seal.

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

(1) "State seal" means the seal of the state as described in Article XVIII, section 1 of the state Constitution and in RCW 1.20.080.

(2) "Secretary" means the secretary of state and any designee of the secretary of state.

**NEW SECTION.** Sec. 3. Except as otherwise provided in this chapter, the state seal shall be used for official purposes only.

**NEW SECTION.** Sec. 4. (1) The secretary of state may authorize the use of the state seal on commemorative and souvenir items, and for historical, educational, and civic purposes. Such authorization shall be in writing.

(2) Application for such authorization shall be in writing and shall be accompanied by a filing fee, the amount of which shall be determined by the secretary of state. The secretary shall set the fee at a level adequate to cover the administrative costs of processing the applications.

(3) If the secretary determines that a permitted use of the seal could financially benefit the state, the secretary may condition authorization upon a licensing agreement to secure those benefits for the state.

(4) The secretary of state shall adopt rules under chapter 34.04 RCW to govern the use of the seal in a manner consistent with this chapter. Any rule governing the use of the seal shall be designed to prevent inappropriate or misleading use of the seal and to assure tasteful and high-quality reproduction of the seal. The rules shall also prescribe the circumstances when a licensing arrangement shall be required and the method for determining licensing fees.

**NEW SECTION.** Sec. 5. (1) Except as otherwise provided in section 4 of this act, the state seal shall not be used on or in connection with any advertising or promotion for any product, business, organization, service, or article whether offered for sale for profit or offered without charge.

(2) The state seal shall never be used in a political campaign to assist or defeat any candidate for elective office.

(3) It is a violation of this chapter to use any symbol that imitates the seal or that is deceptively similar in appearance to the seal, in any manner that would be an improper use of the official seal itself.

NEW SECTION. Sec. 6. No use of the state seal may operate or be construed to operate in any way as an endorsement of any business, organization, product, service, or article.

NEW SECTION. Sec. 7. Any person who violates section 5(1) or (3) of this act by using the state seal or an imitative or deceptively similar seal on or in connection with any product, business, organization, service, or article shall be liable for damages in a suit brought by the attorney general. The damages shall be equal to the gross monetary amount gained by the misuse of the state seal or the use of the imitative or deceptively similar seal, plus attorney's fees and other costs of the state in bringing the suit. The "gross monetary amount" is the total of the gross receipts that can be reasonably attributed to the misuse of the seal or the use of an imitative or deceptively similar seal. In addition to the damages, the violator is subject to a civil penalty imposed by the court in an amount not to exceed five thousand dollars. In imposing this penalty, the court shall consider the need to deter further violations of this chapter.

The attorney general may seek and shall be granted such injunctive relief as is appropriate to stop or prevent violations of this chapter.

NEW SECTION. Sec. 8. The secretary of state shall conduct investigations for violations of this chapter and may request enforcement by the attorney general.

NEW SECTION. Sec. 9. Any person who wilfully violates this chapter is guilty of a misdemeanor.

NEW SECTION. Sec. 10. All fees, penalties, and damages received under this chapter shall be paid to the secretary of state and with the exception of the filing fee authorized in section 4(2) of this act shall be deposited by the secretary into the capitol building construction account in the state treasury, for use in the historical restoration and completion of the legislative building.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 170, Laws of 1947 and RCW 9.91.050; and

(2) Section 2, chapter 170, Laws of 1947 and RCW 9.91.055.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Thompson moved the following amendment by Senators Rinehart, Thompson, McCaslin and Metcalf to the Committee on Governmental Operations amendment be adopted:

On page 3, after line 20, insert the following:

"(4) Nothing in this chapter shall prohibit the reproduction of the state seal for illustrative purposes by the news media if the reproduction by the news media is incidental to the publication or broadcast. Nothing in this chapter shall prohibit a characterization of the state seal from being used in political cartoons."

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Rinehart, is this the amendment that has Senator Nita Rinehart as the prime sponsor? Is the main purpose of this amendment dealing with the use of the seal by the news media or is it to allow the state seal from being used in political cartoons? There are two different subject matters in this particular amendment and I'm not sure what problem you're trying to get at."

Senator Rinehart: "Political cartoons are considered to be part of the news media."

Senator Pullen: "Is there any problem with a newspaper and a political cartoon as they often want to use the seal in a caricature fashion that could be considered undignified or disgraceful. Are you worried about that?"

Senator Rinehart: "I'm worried about excess prohibition on the first amendment freedom."

The President declared the question before the Senate to be adoption of the amendment by Senators Rinehart, Thompson, McCaslin and Metcalf to the Committee on Governmental Operations amendment.

The motion by Senator Thompson carried and the amendment to the committee amendment was adopted.

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

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

## MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 151, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Vognild: "Senator Thompson, I'm somewhat concerned about this bill and you didn't mention it. Can the state seal, under this bill, in any way be used for a commercial or profit or in any way used to make a profit?"

Senator Thompson: "There's no prohibition against that in the bill. It depends upon the rules and regulations adopted by the Secretary of State."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, under the amendment as adopted--the Rinehart amendment--it says that you can use the state seal as a political cartoon. I don't think that the Secretary of State can set up any regulations that would go against that law. That's the amendment we just adopted. How could the Secretary of State prohibit anybody from using the state seal as a political cartoon?"

Senator Thompson: "How could he prohibit it?"

Senator Rasmussen: "Yes, you say it's under his rules and regulations."

Senator Thompson: "Well, the amendment exempts that use from the possibility of regulation by rule."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 151, as amended by the Senate, was deferred.

## MOTION

Senator Vognild moved that the Senate now consider House Bill No. 576.

## POINT OF ORDER

Senator Pullen: "It's after 5 o'clock, Mr. President, and we had not started on that bill prior to 5 o'clock."

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Senator Pullen's remarks are well taken."

Further debate ensued.

## MOTION

On motion of Senator Vognild, and there being no objection, the Senate resumed consideration of House Bill No. 151, as amended by the Senate, deferred earlier today.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 151, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 151, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; absent, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Craswell, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Absent: Senators Benitz, Deccio - 2.

HOUSE BILL NO. 151, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

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

#### MOTION

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

#### SENATE RESOLUTION 1985-58

by Senators Fleming, McDonald and Rasmussen

WHEREAS, Sherry Rials recently competed for the title of Miss Washington-U.S.A. in Seattle, Washington; and

WHEREAS, Sherry Rials impressed the Miss Washington-U.S.A. Pageant judges with her intelligence, talent, grace, beauty, and character; and

WHEREAS, Sherry Rials is a caring individual who plans to use her training as a certified underwater deepsea welder and scuba diver to teach handicapped children to learn to scuba dive safely; and

WHEREAS, On February 25, 1985 Sherry Rials was the first black woman chosen to represent Washington at the Miss U.S.A Pageant; and

WHEREAS, The citizens of Washington are very proud of Sherry Rials and her accomplishments and are pleased that she will represent them at the Miss U.S.A. Pageant; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington congratulate Sherry Rials on being selected Miss Washington-U.S.A for 1985; and

BE IT FURTHER RESOLVED, That the Senate extends to Sherry its best wishes during the 1985 Miss U.S.A Pageant; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Miss Sherry Rials and her family.

#### MOTION

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

#### SENATE RESOLUTION 1985-59

by Senators McManus and Lee

WHEREAS, Hispanics have been an important influence in the guidance of Washington State's program of an expanded and more diverse economy; and

WHEREAS, The residence of 160,000 Hispanic Washingtonians accounts for \$500 million dollars of trade, and

WHEREAS, The State's overall economic development increases are assisted by the effective management of Hispanic business owners; and

WHEREAS, Hispanic business leaders range from auto dealerships to business consulting firms; and

WHEREAS, The far-reaching networks of Hispanic business and enterprise have a very positive effect on our society;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in this 49th Session, That we honor Hispanic Business as a vital and recognizable part of Washington's economic structure and that we offer our support; and encouragement to the Hispanic Community.

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

#### REPORTS OF STANDING COMMITTEES

April 18, 1985

SB 4189 Prime Sponsor, Senator Newhouse: Revising provisions relating to appellate jurisdiction in industrial insurance tax assessment actions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4189 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Hold.

April 18, 1985

SB 4191 Prime Sponsor, Senator Warnke: Revising provisions relating to industrial insurance premiums. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4191 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Hold.

April 18, 1985

ESHB 1082 Prime Sponsor, Committee on Commerce and Labor: Modifying provisions on industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Hold.

April 18, 1985

SHB 1084 Prime Sponsor, Committee on Commerce and Labor: Revising vocational rehabilitation laws. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Hold.

April 18, 1985

ESHB 1085 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to prompt actions by the department of labor and industries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Hold.

#### GUBERNATORIAL APPOINTMENTS

April 19, 1985

GA 110 BARBARA BLACK, to the position of member of the Horse Racing Commission, appointed by the Governor on March 12, 1985, for the term ending January 12, 1987, succeeding Will Bachofner. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Hold.

April 19, 1985

GA 111 LYLE SMITH, to the position of member of the Horse Racing Commission, appointed by the Governor on March 12, 1985, for the term ending January 14, 1991, succeeding Robert Mead. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Hold.

April 19, 1985

GA 112 ANDY REYNOLDS, to the position of member of the State Lottery Commission, appointed by the Governor on March 12, 1985, for the term ending August 2, 1986, succeeding Vanna H. Novak. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Hold.

April 19, 1985

GA 114 CARL OOKA, to the position of member of the State Lottery Commission, appointed by the Governor on March 12, 1985, for the term ending August 2, 1987, succeeding Lenore M. Lambert. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended, and all of the bills and gubernatorial appointments read in on the Standing Committee Report were advanced to second reading and placed on the second reading calendar.

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

#### MESSAGES FROM THE HOUSE

April 19, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4114, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

April 18, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 314, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 314 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Modifying provisions relating to the 1983-85 state fiscal biennium.

Referred to Committee on Ways and Means.

#### MOTION

At 5:14 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Saturday, April 20, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Saturday, April 20, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz and Newhouse. On motion of Senator Bender, Senator Bauer was excused. On motion of Senator von Reichbauer, Senators Benitz and Newhouse were excused.

The Sergeant at Arms Color Guard, consisting of Pages Rebekah Helland and Doug Reis, presented the Colors. Reverend Lester G. Olson, senior pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3236,

SENATE BILL NO. 3427,

ENGROSSED SENATE BILL NO. 4115,

SENATE BILL NO. 4288, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 19, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3625,

SENATE JOINT MEMORIAL NO. 119, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3282,

SENATE BILL NO. 3830,

SENATE BILL NO. 4278.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3059,

SENATE BILL NO. 3326,

SENATE BILL NO. 3601,

SENATE BILL NO. 3804,

SECOND SUBSTITUTE SENATE BILL NO. 3828,

SUBSTITUTE SENATE BILL NO. 4358,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 104,

SENATE JOINT MEMORIAL NO. 110,

SENATE JOINT MEMORIAL NO. 111.

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

## REPORTS OF STANDING COMMITTEES

April 19, 1985

ESHB 1089 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to industrial insurance penalties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams.

Hold.

## GUBERNATORIAL APPOINTMENTS

April 19, 1985

GA 12 MICHAEL D. COAN, to the position of member of the Council for Postsecondary Education, appointed by the Governor on January 29, 1985, for the term ending co-extensive with student tenure. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 14 JANET SKADAN, to the position of member of the University of Washington Board of Regents, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 24 W. KEITH HERRELL, to the position of member of the Grays Harbor Community College Board of Trustees, District No. 2, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 25 FRANK H. LARNER, to the position of member of the Grays Harbor Community College Board of Trustees, District No. 2, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 26 CAROLYN POWERS, to the position of member of the Olympic Community College Board of Trustees, District No. 3, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 27 W. KELLEY MOLDSTAD, to the position of member of the Skagit Community College Board of Trustees, District No. 4, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 28 JANET FINN, to the position of member of the Skagit Community College Board of Trustees, District No. 4, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 30 JEAN M. COOLEY, to the position of member of the Everett Community College Board of Trustees, District No. 5, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 32 PHILIP L. BURTON, to the position of member of the Seattle Community College Board of Trustees, District No. 6, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 33 JAMES E. MASSART, to the position of member of the Shoreline Community College Board of Trustees, District No. 7, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 34 CHERRY MCGEE BANKS, to the position of member of the Shoreline Community College Board of Trustees, District No. 7, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 35 CAROL B. JAMES, to the position of member of the Bellevue Community College Board of Trustees, District No. 8, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 36 ELIZABEH N. METZ, to the position of member of the Highline Community College Board of Trustees, District No. 9, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 37 MARILU M. BROCK, to the position of member of the Highline Community College Board of Trustees, District No. 9, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 38 JACK A. HAWKINS, to the position of member of the Green River Community College Board of Trustees, District No. 10, reappointed by the

Governor on January 28, 1985, for the term ending September 30, 1988.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 45 BETTY L. EDMONDSON, to the position of member of the Yakima Community College Board of Trustees, District No. 16, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 46 JOAN HARRIS, to the position of member of the Yakima Community College Board of Trustees, District No. 16, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 47 DEE McMILLAN, to the position of member of the Spokane Community College Board of Trustees, District No. 17, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 48 PAUL HIRAI, to the position of member of the Big Bend Community College Board of Trustees, District No. 18, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 49 W. DAVID SHAW, to the position of member of the Columbia Basin Community College Board of Trustees, District No. 19, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman;

Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 50 JEAN H. ADAMS, to the position of member of the Walla Walla Community College Board of Trustees, District No. 20, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 51 L. C. MIKE FLOYD, to the position of member of the Walla Walla Community College Board of Trustees, District No. 20, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 52 WILLIAM A. GRANT, to the position of member of the Walla Walla Community College Board of Trustees, District No. 20, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 54 PATRICIA G. HITE to the position of member of the Whatcom Community College Board of Trustees, District No. 21, reappointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 74 R. HENRY SEIDEL, to the position of member of the Bellevue Community College Board of Trustees, District No. 8, reappointed by the Governor on February 12, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 79 CHARLES MICHENER, to the position of member of the Columbia Basin Community College Board of Trustees, District No. 19, appointed by the Governor on February 12, 1985, for the term ending September 30, 1988, succeeding Donald W. McClure. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 95 THE VERY REVEREND WILLIAM J. SULLIVAN, S.J., to the position of member of the Higher Education Facilities Authority, reappointed by the Governor on February 19, 1985, for the term ending March 26, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 96 DELORES E. TEUTSCH, to the position of member of the Higher Education Facilities Authority, reappointed by the Governor on February 19, 1985, for the term ending March 26, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 97 HARRY E. MORGAN, Jr., to the position of member of the Higher Education Facilities Authority, reappointed by the Governor on February 19, 1985, for the term ending March 26, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

April 19, 1985

GA 152 ROBERT K. POWERS, to the position of member of the Higher Education Facilities Authority, reappointed by the Governor on April 10, 1985, for the term ending March 26, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended, and Engrossed Substitute House Bill No. 1089 and all the gubernatorial appointments read in on the Standing Committee Report, were advanced to second reading and placed on the second reading calendar.

## MOTION

At 10:08 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 102 with the following amendments:

On page 2, line 9, after "to" strike "restrict" and insert "resolve the issue of continuing"

On page 2, beginning on line 12, after "legislation" strike all material through "products" on line 13 and insert "to intensify negotiations for resolving the issue of increasing Canadian forest product imports".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Senate Joint Memorial No. 102.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 102, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 102, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, Benitz, Newhouse - 3.

SENATE JOINT MEMORIAL NO. 102, as amended by the House, having received the constitutional majority, was declared passed.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3612 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in ~~((1979))~~ 1985 for collection in ~~((1981; for excess levies in 1980 for collection in 1981))~~ 1986 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation ~~((converted to one hundred percent of formula; plus~~

~~(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year)); plus~~

~~((c))~~ (b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

~~((c))~~ (c) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection ~~((f))~~ (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district ~~((which is qualified to exceed the maximum dollar amount permitted under subsection (1) of this section during calendar year 1982))~~ is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years ~~((1983))~~ 1985 through ~~((1990))~~ 1993 as follows:

(a) ~~((The dollar amount of levy qualification for taxes to be collected in 1983 shall be the same as the maximum qualification for 1982.~~

~~((b) For every district which qualifies to exceed the limitations in subsection (1) of this section during calendar year 1982, a "base year levy percentage" shall be established. This levy percentage shall be equal to the percent a district's levy qualification during calendar year 1982 is of the prior 1980-81 school fiscal year's basic education allocation and state allocation for categorical programs))~~ For excess levies to be collected in calendar years 1986, 1987, and 1988, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (i) The district's actual levy percentage for calendar year 1985, (ii) the average levy percentage for all school district levies in the state in calendar year 1985, or (iii) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

~~((c))~~ (b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year ~~((1984))~~ 1989. The incremental reduction shall equal ~~((one-seventh))~~ one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

~~((d))~~ (c) For excess levies to be collected in calendar year ~~((1990))~~ 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount

authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year ~~((1990))~~ 1993.

~~(6) ((For the purpose of subsection (1) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections: PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per annual average full-time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full-time equivalent student: PROVIDED FURTHER, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full-time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full-time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.~~

~~(7))~~ The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**NEW SECTION.** Sec. 2. (1) The legislature recognizes the importance of a strong educational system to individual development, the health of the community, and to the quality of life in the state as a whole. To assure the continuance of a strong educational system, it is necessary to clarify the definition of basic education and review and analyze methods for funding the common schools. To address these needs, the legislature hereby creates a joint select committee on school funding to review and analyze current and alternative methods of funding education.

(2) The joint select committee on school funding, in consultation with the superintendent of public instruction, state board of education, school administration and employee organizations, and members of community and business organizations involved with education issues, shall review and make recommendations on funding issues including the following:

- (a) Focusing on instructional resources and actual class size as the major components of the basic education allocation formula;
- (b) Effectiveness of the excess levy as mechanism for funding;
- (c) Alternate methods of funding;
- (d) Methods for equalizing funding between districts; and
- (e) How school districts are expending income from all sources.

School districts shall provide any information requested by the joint select committee on school funding in a timely manner.

(3) The committee shall consist of fourteen voting members:

(a) Three members from each caucus of the house of representatives, selected by the speaker of the house of representatives; at least one member of each caucus shall be a member of the house education committee and at least one member of each caucus shall be a member of the house ways and means committee;

(b) Three members from each caucus of the senate, selected by the president of the senate; at least one member of each caucus shall be a member of the senate education committee and at least one member of each caucus shall be a member of the senate ways and means committee; and

(c) The chairman of the house education committee and the chairman of the senate education committee.

(4) The committee will use legislative staff and facilities, but may hire additional staff with specific technical expertise, if such expertise is necessary to carry out this directive. All expenses shall be paid jointly by the house of representatives and the senate.

(5) The committee shall report its findings and recommendations to the governor and the legislature by the commencement of the 1986 regular session of the legislature. The committee shall cease to exist on April 1, 1986.

**NEW SECTION.** Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "reenacting and amending RCW 84.52.0531; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3612.

Debate ensued.

## POINT OF ORDER

Senator Pullen: "A point of order. Mr. President. My point of order is that the House amendments expand the scope and object of the bill. Mr. President, I would direct your attention to some of the key House amendments, one of which allows all school districts, rather than just those with grandfather levy capacity to use one of three alternatives to determine the levy percentage during the freeze period. That in itself is a significant expansion. The House amendment also provides for a study committee and the scope of the study is very broad in its nature, and the House also added language dealing with converting the district's prior year of basic education allocation to a hundred percent of formula, as part of the method of calculating the district's ten percent levy amount and that's repealed. There were other repealers and I just feel that that is a significant expansion in the scope and object and I would ask the President to so rule."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Senate Bill No. 3612 and the House amendments was deferred.

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

## SECOND READING

SENATE BILL NO. 3038, by Senators Kreidler, Granlund and Stratton

Requiring the provision of information about day care centers.

## MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3038 was substituted for Senate Bill No. 3038 and the second substitute bill was read the second time.

Senator Kiskaddon moved that the following amendment be adopted:

On page 1, line 9, after "1990," insert: "The legislature further recognizes that it is a joint responsibility of parents and the state to assure the safety and well-being of children in day care environments."

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "I would probably ask Senator Bottiger--what the state licenses--an establishment like this or others--don't we, through the licensing process, incur some liabilities?"

Senator Bottiger: "Senator, if the state is negligent in the way it operates, they have been held liable, generally, for the failure to adequately inspect and prohibit damage or injury to people. The simple fact of licensing itself does not expose us to liability but if we assume more than that and the second half of Senator Kiskaddon's amendment here is the one that was of particular concern to, I believe Senator Hayner and me, that if this program is not adequate then the injury to the child could revert back to the state and that's my recollection why she and I moved to take this out."

Senator Patterson: "But when we carry on further this bill, as I understand it, authorizes additional inspection and when we inspect and an inspector says, 'this is a good operation,'--at that point in time the state has said 'we recommend this facility for your use.' Doesn't that in itself carry a liability?"

Senator Bottiger: "No. Let me give you an example, and I hope I'm right on this, perhaps Senator Talmadge can listen carefully, or Senator Halsan. An elevator inspector goes in and makes an inspection and puts his stamp on. In fact, he was lazy and didn't climb up and find a frayed wire, there is exposure to the licensing

agency--the city or the state, whoever did it, if in fact that elevator falls, but we cannot presume the negligence of all the people out there. The mere fact that you have licensed me as an attorney does not expose the state to liability if I'm engaged in malpractice, because you cannot foresee all my negligence in simply giving me a license. Now if you let me get the license without taking a test, then you may expose yourself to some liability."

Senator Patterson: "Then are the inspectors under this act, are they going to have to take some kind of test to insure that they are qualified inspectors? I'm extremely concerned about the liability that this act could carry with it on behalf of the state and I would like the record some way to show what the intention is of this legislative body on this issue."

Senator Bottiger: "I don't know how I'd do that. The objection--the public concern is that there are licensed day care centers in which there is not---"(time ran out--3 minute rule)

Further debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon asked Senator Bottiger to yield.  
Senator Bottiger did not yield.

#### MOTION

On motion of Senator Kiskaddon, and there being no objection, the amendment was withdrawn.

#### MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 1, after line 24, insert a new section as follows and renumber the remaining section consecutively:

"NEW SECTION. Sec. 5. A new section is added to chapter 74.15 RCW to read as follows:

The division of children and family services shall develop and make available programs designed to provide parents with information about day care. Subject areas shall include but not be limited to, child development, child safety, standards of care, and the licensing programs, and shall support and coordinate with existing resources. Nothing shall preclude the use of volunteers in these programs.

Debate ensued.

#### POINT OF INQUIRY

Senator Granlund: "Senator Kiskaddon, we discussed this in committee and I think your objections are admirable. I'm wondering if you would refresh my memory. I think we surely must have talked about a fiscal note, and I think we need to know that. I simply cannot remember what the figure was."

Senator Kiskaddon: "I don't believe we had a note on this amendment."

Senator Granlund: "I guess my concern would be that even though this is an admirable amendment, it's very vague as to how much this would cost the Department to implement so I would have some misgivings about it."

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon on page 1, line 34.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended. Second Substitute Senate Bill No. 3038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3038.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3038 and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Craswell, Hansen, McCaslin, Metcalf, Pullen, Sellar - 7.

Excused: Senators Bauer, Benitz, Hayner, Newhouse - 4.

SECOND SUBSTITUTE SENATE BILL NO. 3038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3612 and the pending House amendments, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed Senate Bill No. 3612 is a measure extending the Levy Lid Act phase-down and establishes the levy percentages local school districts are authorized to use in upcoming years.

"The ruling is essentially the same as made previously. The amendments proposed by the House of Representatives, also, extend the Levy Lid Act phase-down and establish levy percentages local school districts may use.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The amendments by the House of Representatives were ruled in order.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate concur in the House amendments to Engrossed Senate Bill No. 3612.

The motion by Senator Gaspard carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3612.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3612, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3612, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Cantu, Craswell, Deccio, Hansen, Kreidler, Metcalf, Owen, Pullen, Thompson - 9.

Absent: Senator Guess - 1.

Excused: Senators Bauer, Benitz, Hayner, Newhouse - 4.

ENGROSSED SENATE BILL NO. 3612, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTIONS

On motion of Senator Vognild, the Committee on Transportation was relieved of further consideration of Senate Bill No. 3802.

On motion of Senator Vognild, Senate Bill No. 3802 was referred to the Committee on Ways and Means.

#### MOTION

At 12:27 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3027 with the following amendment:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. A new section is added to chapter 70.84 RCW to read as follows:

(1) Every person, firm, partnership, association, trustee, or corporation which operates a gasoline service station, or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility, shall provide, upon request, refueling service to disabled drivers, unaccompanied by passengers capable of safely providing refueling service, of vehicles which display a disabled person's license plate, decal, or special card issued by the department of licensing. The price charged for the motor vehicle fuel in such a case shall be no greater than that which the facility otherwise would charge the public generally to purchase motor vehicle fuel without refueling service. This section does not require a facility to provide disabled drivers with services, including but not limited to checking oil or cleaning windshields, other than refueling services.

(2) This section does not apply to:

(a) Exclusive self-service gas stations which have remotely controlled gas pumps and which never provide pump island service; and

(b) Convenience stores which sell gasoline, which have remotely controlled gas pumps and which never provide pump island service.

(3) Any person who, as a responsible managing individual setting service policy of a station or facility or as an employee acting independently against set service policy, acts in violation of this section is guilty of a misdemeanor. This subsection shall be enforced by the prosecuting attorney.

(4) The human rights commission shall, upon the filing of a verified written complaint by any person, investigate the actions of any person, firm, partnership, association, trustee, or corporation alleged to have violated this section. The complaint shall be in the form prescribed by the commission. The commission may, upon its own motion, issue complaints and conduct investigations of alleged violations of this section.

RCW 49.60.240 through 49.60.280 shall apply to complaints under this section.

(5) In addition to those matters referred pursuant to subsection (3) of this section, the prosecuting attorney may investigate and prosecute alleged violations of this section.

(6) Any person who intentionally displays a license plate, decal, or special card which is invalid, or which was not lawfully issued to that person, for the purpose of obtaining refueling service under subsection (1) of this section shall be subject to a civil fine of one hundred dollars for each such violation.

(7) A notice setting forth the provisions of this section shall be provided by the department of licensing to every person, firm, partnership, association, trustee, or corporation which operates a gasoline service station, or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility.

(8) A notice setting forth the provisions of this section shall be provided by the department of licensing to every person who is issued a disabled person's license plate, decal, or special card.

(9) For the purposes of this section, "refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle.

(10) Nothing in this section limits or restricts the rights or remedies provided under chapter 49.60 RCW.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3027.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3027, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3027, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Bluechel, Bottiger, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf - 9.

Absent: Senators Conner, Deccio, Guess - 3.

Excused: Senators Bauer, Benitz, Newhouse - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 3764, by Senators Talmadge, Newhouse, Halsan and McManus

Providing funds for criminal justice assistance.

## MOTIONS

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 3764 was substituted for Senate Bill No. 3764 and the second substitute bill was placed on second reading and read the second time.

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

Beginning on page 5, line 22, strike all of sections 10 and 11 through line 4, page 6.

On page 7, line 6, after "Title 43 RCW.", insert a new section to read as follows:

**NEW SECTION.** Sec. 13. There is hereby appropriated from the general fund, for the 1985-1987 biennium, the sum of five million dollars for the purpose of implementing the provisions of this chapter.

Renumber the remaining sections accordingly.

Debate ensued.

## MOTION

On motion of Senator Bottiger, the question was divided.

The question being divided, the President declared the question before the Senate to be adoption of the amendment by Senator Craswell on page 5, line 22.

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell on page 5, line 22.

## ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bailey, Cantu, Conner, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Sellar, Stratton, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Barr, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bauer, Benitz, Newhouse - 3.

## MOTION

On motion of Senator Craswell, and there being no objection, the second amendment on page 7, line 6, was withdrawn.

## MOTION

Senator Garrett moved that the following amendment be adopted:

On page 6, after line 17, insert the following:

"NEW SECTION. Sec. 12. No city or county shall be eligible for the grants provided in this act unless such city or county (1) has levied all optional excise taxes authorized by the legislature and (2) certifies to the office of financial management that no road or highway funds available to such city or county have been or are anticipated to be diverted to non-road purposes."

Renumber the remaining sections and correct internal references accordingly.

Debate ensued.

## MOTION

Senator Thompson moved that the following amendment to the amendment by Senator Garrett be adopted:

On line 3 of the amendment, strike "(1)" and after "levied" insert "or a proposed" and strike all the language after "legislature" on line 4

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson to the amendment by Senator Garrett.

The motion by Senator Thompson carried and the amendment to the amendment was adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senator Garrett, as amended.

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

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3764 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Saling: "Senator Talmadge, one subparagraph in Section 9, sub (2) is not clear to me and I wish you would explain it. It talks about some funds used for existing structures that have not been constructed for use of jails or holding facilities for certain traffic offenders. Would you explain to me what that means? What facilities or structures are we talking about?"

Senator Talmadge: "This, Senator Saling, carries over from House Bill No. 1184 of a year ago. The desire on the part of the legislature was to encourage local governments where ever possible in dealing with DWI offenders to use alternatives to the usual county jail or holding facility process. It's much less expensive to hold those people. County government found it to be an excellent way in dealing with the problem. Some examples that come to mind, I think Geiger Field over in Spokane and Fircrest in Seattle have been used as facilities for holding DWI offenders for that mandatory one day in jail. It's significantly less expensive to do it that way and some of the county governments have been doing it."

Further debate ensued.

## MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3764.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3764 and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; excused, 4.

Voting yeas: Senators Bailey, Barr, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Granlund, Guess, Halsan, Johnson, Kreidler, McDermott, McManus, Metcalfe, Moore, Owen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Cantu, Conner, Craswell, Deccio, Garrett, Goltz, Hansen, Hayner, Lee, McCaslin, McDonald, Patterson, Peterson, Pullen, Rasmussen, Saling, von Reichbauer, Zimmerman - 18.

Excused: Senators Bauer, Benitz, Kiskaddon, Newhouse - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 4146, by Senators Thompson, DeJarnatt and Zimmerman

Revising provisions relating to the effects of the eruption of Mount St. Helens.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 4, line 14, after "(2)" insert "(a)"

On page 7, beginning on line 2, delete all material down to and including the period on line 16.

Senator Lee moved that the following amendment be adopted:

On line 6, line 30, delete lines 30 through 33.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

The motion by Senator Lee failed and the amendment was not adopted.

#### MOTIONS

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

On page 1, line 4 of the title, after "RCW 44.04.500;" delete "making an appropriation;"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4146.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4146 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Boltiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Lee - 2.

Excused: Senators Bauer, Benitz, Guess, Kiskaddon, Newhouse - 5.

ENGROSSED SENATE BILL NO. 4146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3220 with the following amendments:

On page 1, line 12, after "or" strike "to" and insert "(to)"

On page 1, line 13, after "RCW 68.08.103" insert: "PROVIDED, That the law enforcement agency and prosecuting attorney having jurisdiction respectively shall have an opportunity to review said reports and records prior to release, and may require that they be withheld for a

reasonable period of time if it is determined that the death occurred under suspicious circumstances and that their release may prejudice a subsequent investigation or prosecution".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 3220 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3310 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 2. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct ~~((shall))~~ may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored ~~((PROVIDED, HOWEVER, That)),~~ Except as permitted under subsection (5) of this section, no precinct boundaries ((shall)) may be changed during the period starting ((as of) on) the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters ~~((PROVIDED, That)),~~ but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

If such a limitation is established by a county legislative authority, no precinct within the jurisdiction of the county may contain more registered voters than authorized in such an ordinance.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the ~~((same:))~~ precincts. The county auditor shall thereupon designate the voting place for each such precinct.

Sec. 3. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 3, Laws of 1980 and RCW 29.13.020 are each amended to read as follows:

All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- (1) Elections for the recall of any elective public officer(~~());~~
- (2) Public utility districts(~~());~~ or district elections (~~(whereat)~~) at which the ownership of property within (~~said~~) those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto(~~());~~
- (3) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March(~~(-PROVIDED HOWEVER, That in any county holding an election on the second Tuesday in March of 1980 pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution, any city, town, or district where any portion of the registered voters of that city, town, or district reside within that charter county may hold special elections on the second Tuesday in March of 1980));~~
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f). Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION, Sec. 4. A new section is added to chapter 29.13 RCW to read as follows:

For any reimbursement of election costs under RCW 29.13.047, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve Bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose under RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047.

Sec. 5. Section 2, chapter 142, Laws of 1984 and RCW 29.18.025 are each amended to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the (~~last~~) fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

- (1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and
- (2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

Sec. 6. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the (~~last~~) fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010(~~(-as now or hereafter amended;))~~) shall file their declarations of candidacy with the county auditor of the county not earlier than the (~~last~~) fourth Monday of July nor later than the next succeeding

Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100 (~~PROVIDED, That~~), but no filing fee (~~shall~~) may be charged (~~in the event that~~) if the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five-day period throughout the state of Washington for filing declarations of candidacy.

Sec. 7. Section 29.30.010, chapter 9, Laws of 1965 as amended by section 51, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county in which the ballot is to be used, the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right. Each position with the names running for that office, shall be separated from the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 8. Section 60, chapter 361, Laws of 1977 ex. sess. as amended by section 1, chapter 121, Laws of 1982 and RCW 29.30.081 are each amended to read as follows:

(1) On the top of each general election paper ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first below the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot.

(3) There shall be a  at the right of the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, the names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

Sec. 9. Section 33, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.310 are each amended to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right

are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers ((by precinct election workers)) without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

Sec. 10. Section 67, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.125 are each amended to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers ((by precinct election workers)) without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 11. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1984 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary((~~PROVIDED, That~~)). An application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application((~~PROVIDED FURTHER, That~~)). A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger((~~PROVIDED, That~~)). Application made by mail must be sent directly to the county auditor or to the secretary of state, who shall promptly forward such applications to the appropriate county. No person, organization, or association within the state may distribute absentee ballot applications containing any return address other than that of the county auditor. No application for an absentee ballot ((~~shall~~)) may be approved unless the voter's signature upon the application compares favorably with the voter's signature upon his permanent registration record.

**NEW SECTION.** Sec. 12. A new section is added to chapter 29.04 RCW to read as follows:

Every person who desires to be a write-in candidate and have such votes counted at a primary or election shall, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the Tuesday immediately before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy must be filed with the secretary of state not later than the second Tuesday before the primary or election. No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29.18.030 and shall be accompanied by either the appropriate filing fee or a supplemental nominating petition, as required by RCW 29.18.050.

**NEW SECTION.** Sec. 13. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall, not later than the Friday after the last day for filing of write-in declarations with his or her office, notify each county auditor of any such filings for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.

Sec. 14. Section 29.36.075, chapter 9, Laws of 1965 as amended by section 1, chapter 136, Laws of 1983 and RCW 29.36.075 are each amended to read as follows:

Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committeeperson ~~(s-Write-in votes for uncontested precinct committeepersons' races shall be canvassed and included with the official vote count)~~ who have filed valid declarations of candidacy under section 12 of this act. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under section 12 of this act.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

Sec. 15. Section 29.51.100, chapter 9, Laws of 1965 as amended by section 15, chapter 101, Laws of 1965 ex. sess. and RCW 29.51.100 are each amended to read as follows:

On receipt of his or her ballot in ~~((am))~~ a primary or a general or special election the ~~((elector))~~ voter shall forthwith and without leaving the polling place retire alone to one of the places, booths, or ~~((apartments))~~ compartments provided to prepare ~~((his))~~ and mark the ballot. ~~((Each elector shall prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote.))~~ Ballots shall be voted in the manner appropriate for the type of system used.

~~((In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be.))~~ Any ~~((elector))~~ voter may write ~~((in the blank spaces))~~ the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 12 of this act for whom he or she may wish to vote ~~((- PROVIDED, That where a partisan office is concerned, the voter must not only write in the name of the candidate but also the party affiliation of such person pursuant to the provisions of RCW 29.51.170 as now or hereafter amended))~~.

Before leaving the booth or compartment the ~~((elector))~~ voter shall fold ~~((his))~~ the ballot or ballot card or place the ballot card in the envelope provided in such a manner that the number of the ballot ~~((shall))~~ appears on the outside ~~((thereof))~~ or projects beyond the covering page or envelope end, without displaying the marks on the face ~~((thereof, and deliver it))~~ of the ballot. The voter shall then return with the ballot to the inspector of election.

Sec. 16. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170 are each amended to read as follows:

For any office at any election or primary, any voter may write in on the ballot the name of any person ~~((for whom he desires to vote for any office))~~ who has filed as a write-in candidate for that office in the manner provided by section 12 of this act, and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter ~~((- PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary. PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name. AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed~~

when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended:

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated).

Sec. 17. Section 29.51.110, chapter 9, Laws of 1965 as amended by section 43, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.110 are each amended to read as follows:

Upon delivery of each ballot after being marked and folded by a voter, the inspector ((~~in an audible tone shall repeat the name of the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector~~)) shall ((~~then~~)) separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. ((~~The numbers removed from the ballots shall be destroyed immediately.~~)) The inspector shall, however, permit any voter expressing a desire to separate his or her own slip or to deposit his or her own ballot, or both, to do so. Any voter detaching or separating the number slip must return that slip to the inspector.

Sec. 18. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 19. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 20. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ((~~town clerk~~)) county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 21. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by

charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 22. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as last amended by section 30, chapter 18, Laws of 1979 ex. sess. and RCW 35A.29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the ~~((last))~~ fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held (~~(PROVIDED, That))~~. However, if the first election of all officers upon reorganization as a non-charter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 (~~(as now or hereafter amended))~~) is an election as provided in RCW 35A.02.050 (~~(as now or hereafter amended))~~, such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 (~~(as amended))~~. Any candidate may withdraw his declaration at any time, but not later than five days after the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions.

Sec. 23. Section 29, chapter 34, Laws of 1939 as amended by section 34, chapter 230, Laws of 1984 and RCW 52.14.070 are each amended to read as follows:

Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the ~~((clerk of the superior court in))~~ auditor of the county in which the district is situated.

Sec. 24. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 25. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county ~~((clerk))~~ auditor.

**NEW SECTION.** Sec. 26. The names of all candidates for partisan office and for all judicial offices except district court judge shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the first day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with section 27(2) of this act, determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) The names of candidates filing for office after the first day of the filing period, including those candidates filing by mail in accordance with section 27(3) of this act, shall be placed upon sample and absentee ballots in the order in which the declarations of candidacy are received by the filing officer.

(3) For the purposes of this section and section 27 of this act, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

**NEW SECTION.** Sec. 27. Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was

received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the first day of the filing period shall be included with filings made in person on that first day. In partisan and judicial elections other than for district court judge, the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any properly executed declarations of candidacy received by mail after the close of business on the first day for candidates to file for office and before the close of business on the last day for candidates to file shall be filed in the order in which they are received by the filing officer.

(4) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

Sec. 28. Section 29.30.060, chapter 9, Laws of 1965 as amended by section 55, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.060 are each amended to read as follows:

In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a sample paper ballot which he shall display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper ~~(; and)~~. The names of the candidates in the primary for each office shall be arranged ~~((thereon))~~ on the sample ballot in the order provided by sections 26 and 27 of this act, and the names of candidates in the general election for each office shall be in the order in which their ~~((declarations of candidacy were filed))~~ names appear on the official ballot, as provided in RCW 29.30.081(2), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 29. Section 37, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.350 are each amended to read as follows:

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates in the primary for each office shall be arranged ~~((thereon))~~ on the sample ballot in the order provided by sections 26 and 27 of this act, and the names of candidates in the general election for each office shall be arranged in the order in which their ~~((declarations of candidacy were filed))~~ names appear on the official ballot, as provided in RCW 29.30.380, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 30. Section 46, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.450 are each amended to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates in the primary for each office shall be arranged ~~((thereon))~~ on the diagram in the order provided by sections 26 and 27 of this act, and the names of candidates in the general election for each office shall be arranged in the order in which their ~~((declarations of candidacy were filed))~~ names appear on the official ballot labels as provided in RCW 29.30.480(2), except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

NEW SECTION. Sec. 31. Sections 26 and 27 of this act shall be added to chapter 29.18 RCW.

Sec. 32. Section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070 are each amended to read as follows:

~~((The registration officer shall interrogate the))~~ An applicant for voter registration ~~(;)~~ shall provide the following information concerning his or her qualifications as a voter of the state, ~~((and of the))~~ county, city, town, and precinct in which he ~~((applies for registration, requiring him to state))~~ or she resides:

(1) The ~~((previous))~~ address of ~~((the))~~ his or her last ~~((former))~~ registration ~~((of the applicant))~~ as a voter in ~~((the))~~ this state, if applicable;

(2) His or her full name;

(3) His or her date of birth; and

(4) His or her place of residence, giving the street and number, if any, or the post office ~~((or rural mail route address;~~

~~(5) Whether he is a citizen of the United States)) box designation and a physical description sufficient to determine the location of the applicant's residence.~~

~~The applicant may, at his or her option, designate a political party or independent preference. The applicant may also be asked to provide the registration officer with a telephone number where he or she may be reached to verify or complete information on the voter registration record. The form shall clearly state that the political party or independent designation and telephone number are optional and are not requirements for registration.~~

~~The answers of the applicant to all such questions shall be (inserted) recorded on a ((single)) voter registration form ((to be)) prescribed and furnished by the secretary of state under RCW 29.07.240. Any designation of a political party or independent preference under this section shall be maintained on the computer file of registered voters under RCW 29.07.220.~~

Sec. 33. Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220 are each amended to read as follows:

Each county auditor shall ~~((establish, on or before July 1, 1975, and))~~ maintain a computer file of all registered voters within that county on magnetic tape ~~((or)),~~ disk, ~~((punched cards,))~~ or other computer-readable form of data storage ~~((containing the records of all registered voters within the county. PROVIDED: That an auditor in a county with more than one hundred fifty thousand registered voters may decline to comply with the provisions of all or none of RCW 29.04.055, 29.07.160, 29.07.220, 29.07.230, and 29.07.240)).~~ Where it is necessary or advisable, the auditor may provide for the ~~((establishment and))~~ maintenance of such files by private contract or through interlocal agreement ~~((as provided by))~~ under chapter 39.34 RCW ~~((as it now exists or is hereafter amended)).~~ The computer file shall include, but not be limited to, each voter's full name, residence address, date of birth, sex, date of registration, political party designation, if any, and applicable taxing district and precinct codes ~~((and the last date on which the individual voted)).~~ The county auditor shall subsequently record each consecutive date upon which the individual ~~((has voted))~~ votes and shall retain at least the last five such ~~((consecutive))~~ dates ~~((PROVIDED: That if the voter has not voted at least five times since establishing his current registration record, only the available dates shall be included)).~~

Sec. 34. Section 29.10.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.10.020 are each amended to read as follows:

Any registered voter who changes his or her residence from one address to another within the same county ~~((;))~~ shall ~~((have his registration transferred to his new address by sending))~~ send or deliver to the county auditor a signed request stating ~~((his present))~~ the address ~~((and precinct,))~~ of his or her new residence and the address ~~((and precinct from))~~ at which he or she was last registered ~~((or by appearing in person before him to have his registration transferred, and signing such request, or in the manner provided by))~~ or shall notify the county auditor of the new address under RCW 29.10.160 ~~((as now or hereafter amended)).~~ The voter may, at his or her option, designate or change a political party or independent preference at the time he or she transfers to a new residence. The forms provided for transferring a voter registration shall contain a space for this party designation and notice to the voter that the political party or independent designation is optional.

Sec. 35. Section 29.51.060, chapter 9, Laws of 1965 as last amended by section 41, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.060 are each amended to read as follows:

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require ~~((him))~~ the voter to sign ~~((his name and current address))~~ the precinct list of registered voters. The signature shall attest, subject to penalties of perjury ~~((in one of the official poll books or in a space provided on one of the precinct lists of registered voters, which shall be designated the county auditor's copy. PROVIDED: That)),~~ to a declaration printed at the top of each page of the precinct list of registered voters that the voter is qualified to vote at that primary or election. If the voter's current address is different from the address on the precinct list of registered voters, the voter shall also designate the current address. If the person registered using a cross or mark ~~((;))~~ and ~~((being))~~ was identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who so signed ~~((;))~~ or by ~~((a))~~ another registered voter of the precinct. Unless the identifying witness is personally known to the election officers ~~((;))~~ or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

The precinct list of registered voters shall include, for each voter in that precinct who has designated such a preference, a record of the most current information optionally provided by the voter regarding political party or independent preference. The voter may, at his or her option, record a political party or independent preference in a space provided on the precinct list of registered voters or change a preference previously designated. The precinct list of registered voters shall clearly state that the party designation is optional and not a requirement for voting.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall copy the voter's name ~~((and address))~~ on the corresponding line in a second ~~((poll~~

~~book or~~) precinct list of registered voters, which shall be ~~((identified as))~~ retained by the ~~((inspector's copy))~~ inspector for six months following the election or primary.

NEW SECTION. Sec. 36. A new section is added to chapter 29.07 RCW to read as follows:

Except as provided under section 39 of this act, not later than July 1, 1987, each county auditor shall modify or redesign his or her automated voter registration system to incorporate the information and procedures required in RCW 29.07.070, 29.07.220, 29.10.020, 29.51.060, sections 37 through 39 of this act, and this section in a manner consistent with the provisions thereof.

NEW SECTION. Sec. 37. A new section is added to chapter 29.07 RCW to read as follows:

Except as provided under section 39 of this act, each county auditor shall, not later than July 1, 1988, complete the testing and installation of the new or modified automated voter registration system and the incorporation of the optional political party preference information collected under RCW 29.07.070, 29.10.020, and 29.51.060 for any voter who is currently registered at the time of the conversion to the new or modified system.

NEW SECTION. Sec. 38. A new section is added to chapter 29.07 RCW to read as follows:

After each primary, special election, and general election, the county auditor shall update the optional party preference information on the voter registration record of any voter who supplies a new or different party preference on the precinct list of registered voters at that primary or election.

NEW SECTION. Sec. 39. A new section is added to chapter 29.07 RCW to read as follows:

By July 1, 1986, each county legislative authority shall determine if the county's existing automated registration system has the capacity to include party preference information in the voter registration records of that county or if the county has the resources to modify the system so as to accommodate these changes.

If the county legislative authority determines that the county's registration system does not have such a capacity and that the authority does not have the resources to modify the system, sections 36 and 37 of this act shall not apply, on or after the effective date of those sections, to that county. A county legislative authority operating under the exemption in this section shall review the determination at least every two years thereafter.

NEW SECTION. Sec. 40. Sections 32 through 35 and 38 of this act shall become effective on July 1, 1987.

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

- (1) Section 29.51.090, chapter 9, Laws of 1965 and RCW 29.51.090; and
- (2) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180.

NEW SECTION. Sec. 42. 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 "elections;" strike the remainder of the title and insert "amending RCW 28A.57.322, 29.04.040, 29.13.020, 29.18.025, 29.21.060, 29.30.010, 29.30.081, 29.30.310, 29.34.125, 29.36.010, 29.36.075, 29.51.100, 29.51.170, 29.51.110, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 35A.29.110, 52.14.070, 54.12.100, 68.16.180, 29.30.060, 29.30.350, 29.30.450, 29.07.070, 29.07.220, 29.10.020, and 29.51.060; adding new sections to chapter 29.04 RCW; adding a new section to chapter 29.13 RCW; adding new sections to chapter 29.18 RCW; adding new sections to chapter 29.07 RCW; repealing RCW 29.51.090 and 29.54.180; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 3310 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3310 and the House amendments thereon: Senators Talmadge, McCaslin and Thompson.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3357 with the following amendments:

On page 1, beginning on line 18, after "personnel" strike all material through "rank))" on line 19 and insert "of field grade or lower rank"

On page 1, line 21, after "Washington)" insert "for a twelve month period. The period shall begin on the first day of the first semester or quarter for which such person has registered at an institution".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Gaspard, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 3357 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3388 with the following amendment:

On page 1, line 27, after "immediately," insert "NEW SECTION, Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act enacted before July 1, 1985, this act shall be null and void.".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Owen, the Senate did not concur in the House amendment to Substitute Senate Bill No. 3388 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3390 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 18, chapter 177, Laws of 1980 as last amended by section 147, chapter 7, Laws of 1985 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective((:)) audited((:)) allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 2. Section 68, chapter 177, Laws of 1980 and RCW 74.46.680 are each amended to read as follows:

(1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department ((thirty)) sixty days' written notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in RCW 74.46.660 and shall submit a projected budget in accordance with RCW 74.46.670 no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

Sec. 3. Section 69, chapter 177, Laws of 1980 as amended by section 36, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.690 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. ~~((Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final cost report, an audit has been completed by the department, and final settlement has been determined, such settlement not to exceed ninety days following completion of the audit process.~~

~~(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.~~

~~(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:~~

~~(a) Be in an amount equal to the released payment;~~

~~(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;~~

~~(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and~~

~~(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.~~

(4)) (2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:

- (a) Withheld payments due the contractor; or
- (b) A surety bond issued by a bonding company acceptable to the department; or
- (c) An assignment of funds to the department; or
- (d) Collateral acceptable to the department; or
- (e) A purchaser's assumption of liability for the prior contractor's overpayment; or
- (f) Any combination of (a), (b), (c), (d), or (e) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute;

(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and ~~(payment for the final thirty days will not be withheld)~~ security shall not be required.

Sec. 4. Section 4, chapter 177, Laws of 1980 as amended by section 1, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31 (~~1982 and~~) of each year (~~thereafter~~), each contractor shall submit to the department an annual cost report (~~and such financial statements as are required by this chapter.~~) for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report (~~and financial statements as are required by this chapter.~~) for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with a report due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

Sec. 5. Section 5, chapter 177, Laws of 1980 and RCW 74.46.050 are each amended to read as follows:

If ~~((either))~~ the cost report ~~((or the financial statements are))~~ is not properly completed or if ~~((they are))~~ it is not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report ~~((and financial statements are))~~ is properly completed and received.

Sec. 6. Section 6, chapter 177, Laws of 1980 as amended by section 2, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined by the department, which shall provide for ~~((financial statements;))~~ an itemized list of allowable costs~~(;)~~ and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) ~~((All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary:))~~

~~((3))~~ The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report ~~((and the financial statements;))~~.

Sec. 7. Section 8, chapter 177, Laws of 1980 as amended by section 3, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports ~~((and financial statements;))~~, as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. All records supporting the cost reports and financial statements filed with the department before the effective date of this 1985 act shall be retained by the contractor for four years following their filing.

The department may direct ~~((such))~~ supporting records to be retained for a longer period if there remain unresolved questions on the cost reports ~~((and financial statements;))~~. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health and human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 8. Section 9, chapter 177, Laws of 1980 and RCW 74.46.090 are each amended to read as follows:

The department will retain the required cost reports ~~((and financial statements;))~~ for a period of one year after final settlement, or the period required under ~~((the provisions of))~~ chapter 40.14 RCW, whichever is ~~((greater))~~ longer.

Sec. 9. Section 10, chapter 177, Laws of 1980 as amended by section 4, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.100 are each amended to read as follows:

The principles inherent within RCW 74.46.105 and 74.46.130 are:

(1) To ascertain, through department audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through department audits of the cost reports, that cost reports properly reflect the financial ~~((statements;))~~ records of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through department audit that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through department audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

Sec. 10. Section 5, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.105 are each amended to read as follows:

Cost reports~~((financial and statistical records;))~~ and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records upon which the cost reports are based. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, ~~((financial and))~~ statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year 1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three-year period.

(3) Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

Sec. 11. Section 13, chapter 177, Laws of 1980 as amended by section 7, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.130 are each amended to read as follows:

(1) For the requirements of RCW 74.46.105, the contractor shall be notified by the department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report (~~(and financial statements)~~) and patient trust funds; and

(b) Prepare reconciliation of the cost report (~~(and financial statements)~~) with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report (~~(and financial statements)~~).

(2) To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors. The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.

Sec. 12. Section 16, chapter 177, Laws of 1980 as amended by section 9, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.160 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's (~~(financial statements and)~~) cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 13. Section 23, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.475 are each amended to read as follows:

(1) The department shall analyze the submitted cost report (~~(and financial statements)~~) of each contractor to determine if the information is correct, complete, and reported in conformance with generally accepted accounting principles, the requirements of this chapter and such rules and regulations as the secretary may adopt. If the analysis finds that the cost report (~~(or financial statements are)~~) is incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such

adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports (~~and financial statements~~) for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

Sec. 14. Section 82, chapter 177, Laws of 1980 as amended by section 41, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.820 are each amended to read as follows:

(1) Cost reports and their final audit reports shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, ~~((financial statements)) cost report schedules showing information on rental or lease of assets, the facility or corporate balance sheet, schedule of changes in financial position, statement of changes in equity-fund balances, notes to financial statements, and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.~~

This subsection does not prevent a contractor from having access to its own records or from authorizing an agent or designee to have access to the contractor's records.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

NEW SECTION. Sec. 15. A new section is added to chapter 74.46 RCW to be codified between RCW 74.46.420 and 74.46.430 to read as follows:

(1) The legislature hereby finds that many of the nursing homes in the state are of older construction and are energy inefficient. The legislature further finds that it is desirable to encourage energy retrofit improvements in those nursing homes in order to achieve energy cost savings. Therefore, it is the intent of the legislature to create an alternative reimbursement methodology for energy retrofitting which meets the criteria of this section. This alternative reimbursement methodology shall be available to contractors who apply for the alternative reimbursement methodology; contractors who do not apply for the alternative reimbursement methodology shall be reimbursed under the other provisions of this chapter for energy retrofit improvements.

(2) Any energy retrofit improvement shall be required to repay the department's proportionate share of the cost of such improvement within a five-year period. The department shall reimburse contractors for eligible energy retrofit improvements by applying the resulting energy cost savings in the administration and operations cost center against the capital expense for the improvement. The nursing home contractor shall provide the department with a technical assistance study which demonstrates the anticipated energy savings and documents the cost of the retrofit including any interest. The increase in the contractor's return on investment rate shall be limited to the documented costs for the energy retrofit. At the end of first year that the retrofit is in place, the contractor shall furnish documentation to the department indicating the actual reduction in energy consumption. If the reduction in the energy consumption is less than anticipated, the contractor's return on investment rate will be reduced accordingly.

(3) If a nursing home installs an energy retrofit improvement which meets the requirements contained in subsection (2) of this section, the department shall decrease the nursing home's administration and operations cost center reimbursement rate under RCW 74.46.500 by an amount equivalent to the energy cost savings or the documented costs of the energy retrofitting, whichever is less, for the first year, and shall increase the nursing home's return on investment allowance established in RCW 74.46.530 by an amount equivalent to the energy cost savings until the investment is paid for.

(4) The department shall adopt such rules as are necessary to carry out the policies and purposes of this section.

Sec. 16. Section 45, chapter 177, Laws of 1980 as amended by section 20, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.450 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until rates can be established under RCW 74.46.460 based on a contractor's cost report including at least six months of cost data.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations and on costs and payment rates of the prior contractor, if any, or of other contractors in comparable circumstances, except that the special reimbursement provisions for energy retrofitting

in section 15 of this 1985 act shall not apply to any energy retrofit improvements installed by previous contractors.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to RCW 74.46.460.

Sec. 17. Section 50, chapter 177, Laws of 1980 and RCW 74.46.500 are each amended to read as follows:

(1) The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property, except as otherwise provided in section 15 of this 1985 act.

(2) The administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

AR = TAC/TPD, where

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center plus the retained savings from such cost center as provided in RCW 74.46.180 of a facility; and

TPD = the total patient days for a facility for the prior year.

(3) The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

Sec. 18. Section 51, chapter 177, Laws of 1980 and RCW 74.46.510 are each amended to read as follows:

(1) The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation costs, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in RCW 74.46.180, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center rate shall be adjusted to anticipated patient day level.

When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(2) An energy retrofit improvement installed by a contractor under section 15 of this 1985 act shall not be included in the computation for the property cost center described in this section.

Sec. 19. Section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department~~((-economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and)), or capital improvements for energy retrofits as provided for in section 15 of this 1985 act.~~ Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 20. Section 2, chapter 177, Laws of 1980 as amended by section 1, chapter 117, Laws of 1982 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter:

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Energy cost savings" means the reduction in anticipated energy consumption multiplied by the current per unit cost of that energy.

(15) "Energy retrofit improvement" means a capital improvement which decreases the amount of energy a nursing home uses and shall be determined by an independent licensed contractor which installs energy efficient equipment or a licensed engineer or licensed architect.

(16) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((15))~~ (17) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

~~((16))~~ (18) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((17))~~ (19) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((18))~~ (20) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((19))~~ (21) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((20))~~ (22) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((21))~~ (23) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

~~((22))~~ (24) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((23))~~ (25) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((24))~~ (26) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((25))~~ (27) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(28) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((26))~~ (29) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((27))~~ (30) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((28))~~ (31) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

~~((29))~~ (32) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((30))~~ (33) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((31))~~ (34) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((32))~~ (35) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

~~((33))~~ (36) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and

who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((34))~~ (37) "Qualified therapist" means:

- (a) An activities specialist who has specialized education, training, or experience as specified by the department;
- (b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;
- (c) A mental health professional as defined by chapter 71.05 RCW;
- (d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (e) A social worker who is a graduate of a school of social work;
- (f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (g) A physical therapist as defined by chapter 18.74 RCW; and
- (h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

~~((35))~~ (38) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

~~((36))~~ (39) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((37))~~ (40) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((38))~~ (41) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((39))~~ (42) "Secretary" means the secretary of the department of social and health services.

~~((40))~~ (43) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended."

Sec. 21. Section 53, chapter 177, Laws of 1980 as last amended by section 28, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.530 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance, except that this section shall not apply to energy retrofit improvements funded under section 15 of this 1985 act.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities

according to the rankings as established in subparagraph ((f2)) (1)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) An energy retrofit improvement installed by a contractor under section 15 of this 1985 act shall not be included in the computation for financing allowance under this section, except as provided in section 15 of this 1985 act.

(3) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

~~((f3))~~ (4) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 22. Section 42, chapter 177, Laws of 1980 as amended by section 18, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.420 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis; and

~~(2) (Rates established in accordance with this chapter shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services which meet the needs of a medical care recipient in compliance with applicable standards; and~~

~~(3))~~ The rates so established will be adjusted for economic conditions and trends in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

NEW SECTION. Sec. 23. Section 52, chapter 177, Laws of 1980, section 148, chapter 7, Laws of 1985 and RCW 74.46.520 are each repealed.

NEW SECTION. Sec. 24. This act shall not be construed as affecting any existing right acquired or any obligation or liability incurred under the statutes amended or repealed by this act or any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 25. 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 4 of the title, after "74.46.530," strike "and 74.46.420;" and insert "74.46.420, 74.46.450, 74.46.500, and 74.46.510; adding a new section to chapter 74.46 RCW;"

On page 1, line 5 of the title, after "section;" strike "and repealing RCW 74.46.520" and insert "repealing RCW 74.46.520; and declaring an emergency"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 3390 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3390 and the House amendments thereon: Senators Fleming, Deccio, and McDermott.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3498 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that recreational water contact activities are becoming increasingly popular. Recreational water contact facilities are expanding in number and in the variety of equipment and activities offered. The legislature, to protect the public health, safety, and welfare and promote the safe use of recreational water contact facilities finds it necessary to regulate these facilities.

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

(1) "Recreational water contact facility" means any artificial basin or other structure containing water, used or intended to be used for recreation or therapy, where body contact with the water occurs, or is intended to occur and any area designated for swimming in natural waters with artificial boundaries within the waters. The term includes, but is not limited to, swimming pools, water slides, hot tubs or spas, wading pools, spray pools, wave pools, and any other water park amusement facility designed for body contact with the water, together with auxiliary buildings and appurtenances, provided with or without charge, regardless of ownership or management.

The term does not include the following: (a) Water contact facilities at a single family residence for the sole use of the occupants and invited guests; (b) water contact facilities at medical or health care facilities operated only for patient use; (c) single-use hydrotherapy tubs; (d) boating and associated activities; (e) scuba activities in natural waters; (f) steam baths and saunas, and (g) fountains whose intended uses are primarily for visual and aesthetic purposes.

(2) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(3) "Secretary" means the secretary of social and health services.

(4) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(5) "Department" means the department of social and health services.

(6) "Board" means the state board of health.

NEW SECTION. Sec. 3. (1) The board shall adopt rules under the administrative procedures act, chapter 34.04 RCW, setting safety, sanitation, and water quality standards for recreational water contact facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reports; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter; and enforcement procedures.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the advisory committee.

**NEW SECTION.** Sec. 4. (1) A recreational water contact facility advisory committee is established and shall be appointed by the board which shall consist of the following members:

- (a) A representative of the board of health;
- (b) A private operator of a recreational water contact facility;
- (c) A public operator of a recreational water contact facility;
- (d) A representative from the department of social and health services;
- (e) A representative of the county health departments;
- (f) A representative from those who engage in the construction or design of recreational water contact facilities; and

(g) A representative from those who engage in the manufacturing or design of goods or services for recreational water contact facilities.

(2) The advisory committee shall have the following powers and duties:

(a) To assist in reviewing and drafting proposed rules regarding the design or operation of any recreational water contact facility which recommendations shall be transmitted to the board;

(b) To provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and

(c) To provide recommendations upon request in the settlement of grievances.

(3) The committee may appoint subcommittees as it deems necessary.

**NEW SECTION.** Sec. 5. The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction to carry out the administration of this chapter.

**NEW SECTION.** Sec. 6. (1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The fees shall be deposited in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels.

**NEW SECTION.** Sec. 7. A permit is required for any modification to or construction of any recreational water contact facility after the effective date of this act. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved, rejected, or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied.

**NEW SECTION.** Sec. 8. An operating permit from the department or local health officer, as applicable, is required for each recreational water contact facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the recreational water contact facility.

**NEW SECTION.** Sec. 9. Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of recreational water contact facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

**NEW SECTION.** Sec. 10. Any person operating a recreational water contact facility shall report to the local health officer or the department any serious injury, illness, or death occurring at or caused by the recreational water contact facility.

**NEW SECTION.** Sec. 11. County, city, or town legislative authorities and the secretary, as applicable, may establish civil penalties for a violation of this chapter or the rules adopted under this chapter.

**NEW SECTION.** Sec. 12. (1) Any person aggrieved by an order or action of the department may request a hearing under the administrative procedures act, chapter 34.04 RCW.

(2) Any person aggrieved by an order or action of a local health officer may request a hearing which shall be held consistent with the local health jurisdiction's administrative appeals process.

**NEW SECTION.** Sec. 13. (1) Any person violating any provision of this chapter or the rules adopted under this chapter is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars. Each day upon which a violation occurs constitutes a separate violation. A person violating this chapter may be enjoined from continuing the violation.

(2) Notice shall be provided by the department, if applicable, as required under chapter 34.04 RCW for contested cases. Notice shall be provided by the local health jurisdiction as applicable consistent with the due process requirements of the local health jurisdiction.

NEW SECTION, Sec. 14. (1) A recreational water contact facility, as defined in section 2 of this act, shall not be operated within the state unless the owner or operator has purchased insurance in an amount not less than five hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the recreational water contact facility.

(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section.

NEW SECTION, Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 57, Laws of 1957, section 115, chapter 141, Laws of 1979 and RCW 70.90.010;

(2) Section 2, chapter 57, Laws of 1957, section 116, chapter 141, Laws of 1979 and RCW 70.90.020;

(3) Section 3, chapter 57, Laws of 1957, section 117, chapter 141, Laws of 1979 and RCW 70.90.030;

(4) Section 4, chapter 57, Laws of 1957, section 118, chapter 141, Laws of 1979 and RCW 70.90.040; and

(5) Section 5, chapter 57, Laws of 1957 and RCW 70.90.900.

NEW SECTION, Sec. 16. Sections 1 through 14 of this act are added to chapter 70.90 RCW.

NEW SECTION, Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 18. Sections 1 through 13, and 15 of this act shall take effect on April 1, 1986.

NEW SECTION, Sec. 19. Section 14 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 3498 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3498 and the House amendment thereon: Senators Warnke, Cantu and McDermott.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3500 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 that state highway information and directional signs provide appropriate guidance to all motorists traveling throughout the state. Such guidance should include the identity, location, and types of recreational, cultural, educational, entertainment, or unique or unusual commercial activities whose principle source of visitation is derived from motorists not residing in the immediate locale of the activity. Such informational and directional signs shall comply with Title 23, United States Code and the rules adopted by the department under RCW 47.42.060.

Sec. 2. Section 2, chapter 96, Laws of 1961 as last amended by section 222, chapter 7, Laws of 1984 and RCW 47.42.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

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

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(13) "Tourist-oriented directional sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(14) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(15) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products harvested or produced on the property where the sale is taking place.

Sec. 3. Section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;  
 (2) Signs advertising the sale or lease of the property upon which they are located;  
 (3) Signs advertising activities conducted on the property on which they are located;  
 (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971:

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971:

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW: ((and))

(7) Public service signs, located on school bus stop shelters, which:  
 (a) Identify the donor, sponsor, or contributor of said shelters;  
 (b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;  
 (c) Contain no other message;  
 (d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and  
 (e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

(8) Temporary agricultural directional signs, with the following restrictions:  
(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080.

Only signs of types 1, 2 ((and)), 3 ((shall)), 7, and 8 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the ((scenic system and the)) federal aid primary system.

Sec. 4. Section 4, chapter 80, Laws of 1974 ex. sess. as amended by section 224, chapter 7, Laws of 1984 and RCW 47.42.047 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels and tourist oriented directional signs may be permitted at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges and intersections to ensure compliance with the provisions of Title 23 C.F.R. secs. 655.308(a) and 655.309(a). Specific information

panels shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and rules adopted by the state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

Sec. 5. Section 2, chapter 258, Laws of 1977 ex. sess. as amended by section 225, chapter 7, Laws of 1984 and RCW 47.42.055 are each amended to read as follows:

The department is authorized to ~~((permit the erection of))~~ erect roadside area information panels or displays adjacent to the state highway system within this state. The department ~~((shall))~~ may contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists. ~~((No state funds may be expended in materials, personnel, or in any other form for the construction, fabrication, printing, painting, selling, or maintenance of these panels or displays.))~~

Sec. 6. Section 8, chapter 96, Laws of 1961 as last amended by section 227, chapter 7, Laws of 1984 and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

(4) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

(5) Any sign erected or maintained on state highway right of way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

In line 1 of the title, after "signs;" strike the remainder of the title, and insert "amending RCW 47.42.020, 47.42.040, 47.42.047, 47.42.055, and 47.42.080; and creating a new section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Peterson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 3500 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3500 and the House amendments thereon: Senators Peterson, Guess and Hansen.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3541 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 268, Laws of 1947 as last amended by section 3, chapter 154, Laws of 1983 and by section 3, chapter 286, Laws of 1983 and RCW 48.44.010 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, dental hygiene, chiropractic, psychological, hospital, optometric, podiatric, pharmaceutical, ambulance services, and other therapeutic services. ~~((Ambulance services licensed in this state, the services of an optometrist licensed by the state of Washington, the services of a podiatrist licensed by the state of Washington, and the services of a pharmacist registered by the state of Washington are also declared to be health care services for the purposes of this chapter.))~~

(2) ~~((("Doctor"))~~ "Provider" means any person lawfully licensed or authorized by the state of Washington to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which ~~((corporation, cooperative group, or association))~~ is sponsored by or otherwise intimately connected with a ~~((group of doctors licensed by the state of Washington; or a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington))~~ provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment or contractual prearrangement 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. ~~((The term also includes any corporation, cooperative group, or association, sponsored by or otherwise intimately connected with a group of pharmacists registered by the state of Washington; or any pharmacist, or group of pharmacists, registered by the state of Washington; 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" means a ~~((doctor, hospital, or licensed pharmacy, drug store or dispensary))~~ 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 or contractual prearrangement has been made, to such contractor for such services.

Sec. 2. Section 2, chapter 268, Laws of 1947 as last amended by section 4, chapter 286, Laws of 1983 and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment, or are based on contractual prearrangement, 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.

(2) The commissioner may ~~((require the submission of contract forms for his examination and may))~~ on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.04 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; or
- (g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW.

Sec. 3. Section 3, chapter 268, Laws of 1947 as last amended by section 22, chapter 339, Laws of 1981 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, such activity shall not be subject to the laws relating to insurance. ~~((but such agreement shall contain))~~ provided provision is made for reimbursement or indemnity of the persons ~~((paying))~~ who have previously paid, or on whose behalf prepayment has been made, for such services ~~((which agreement)),~~ 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 ((agreement)) 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 ((or contracted for)) such health care services. If the ((agreement)) 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 ((or contracted 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 ((one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services)) 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, 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 ((agreement)) 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 ((one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services)) 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, 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 contracted)), or on whose behalf prepayment has been made, for such health care services.

Sec. 4. Section 5, chapter 197, Laws of 1961 as amended by section 3, chapter 87, Laws of 1965 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 ~~((its))~~ a master list of the participants with whom or with which such health care service contractor has executed contracts of participation, certifying that each such participant has executed such contract of participation. The health care service contractor shall ~~((immediately))~~ 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 who has entered into a participating contract during the preceding month.

Sec. 5. Section 12, chapter 115, Laws of 1969 as amended by section 1, chapter 63, Laws of 1983 and RCW 48.44.145 are each amended to read as follows:

- (1) The commissioner may make an examination of the operations of any health care service contractor as often as he deems necessary in order to carry out the purposes of this chapter.
- (2) Every health care service contractor shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate

them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health care service contractor.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health care service contractor in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Health care service contractors licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed one-half cent per month per person entitled to health care services pursuant to an agreement under RCW 48.44.020(1), excluding such persons who are not residents of this state. The commissioner may assess a contractor on any basis that is applicable to all similarly situated contractors and is deemed equitable. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1) of this section. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.

(5) Whenever any health care service contractor applies for initial admission, the commissioner may make, or cause to be made, an examination of the applicant's business and affairs. Whenever such an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself the commissioner may, in the case of a foreign health care service contractor, accept an examination report of the applicant by the regulatory official in its state of domicile.

Sec. 6. Section 1, chapter 175, Laws of 1981 and RCW 48.44.290 are each amended to read as follows:

Notwithstanding any provision of this chapter, for any health care service contract thereunder which is entered into or renewed after July 26, 1981, benefits shall not be denied under such contract for any health care service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section(~~: AND PROVIDED FURTHER, That no part of this section shall apply to agreements entered into or renewed by a health maintenance organization which provides comprehensive health care services directly to enrolled participants of such organization on a group practice per capita prepayment basis, and which is a health maintenance organization registered under chapter 48.46 RCW or a federally qualified health maintenance organization~~)).

The provisions of this section are intended to be remedial and procedural to the extent that they do not impair the obligation of any existing contract.

Sec. 7. Section 2, chapter 154, Laws of 1983 and RCW 48.44.300 are each amended to read as follows:

Benefits shall not be denied under a contract for any health care service performed by a holder of a license issued under chapter 18.22 RCW if (1) the service performed was within the lawful scope of the person's license, and (2) the contract would have provided benefits if the service had been performed by a holder of a license issued under chapter 18.71 RCW. There shall not be imposed upon one class of doctors providing health care services as defined by this chapter any requirement that is not imposed upon all other doctors providing the same or similar health care services within the scope of their license. ~~((This section does not apply to agreements entered into or renewed by a health maintenance organization which provides comprehensive health care services directly to enrolled participants of the organization on a group practice per capita prepayment basis and which is a health maintenance organization registered under chapter 48.46 RCW or a federally qualified health maintenance organization.))~~

The provisions of this section are intended to be procedural to the extent that they do not impair the obligation of any existing contract.

Sec. 8. Section 2, chapter 286, Laws of 1983 and RCW 48.44.310 are each amended to read as follows:

(1) Each group contract for comprehensive health care service which is entered into, or renewed, on or after September 8, 1983, between a health care service contractor and the person or persons to receive such care shall offer coverage for chiropractic care on the same basis as any other care.

(2) A patient of a chiropractor shall not be denied benefits under a contract because the practitioner is not licensed under chapter 18.57 or 18.71 RCW.

(3) ~~((This section shall not apply to agreements entered into or renewed by a health maintenance organization as defined in RCW 48.46.020(1) or a federally qualified health maintenance organization.))~~

(4)) This section shall not apply to a group contract for comprehensive health care services entered into in accordance with a collective bargaining agreement between management and labor representatives. Benefits for chiropractic care shall be offered by the employer in good faith on the same basis as any other care as a subject for collective bargaining for group contracts for health care services.

Sec. 9. Section 6, chapter 202, Laws of 1983 and RCW 48.44.350 are each amended to read as follows:

(1) No person having any authority in the investment or disposition of the funds of a ((domestic)) health care service contractor and no officer or director of a health care service contractor shall accept, except ((as agent)) for the health care service contractor, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale of health care service agreements or any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the health care service contractor, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the health care service contractor directly upon approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the health care service contractor's funds under this title.

(2) The commissioner may, by regulations, from time to time, define and permit additional exceptions to the prohibition contained in subsection (1) of this section solely to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the health care service contractor, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the health care service contractor in the ordinary course of the health care service contractor's business and in the usual private professional or business capacity of the director or the corporation or firm.

NEW SECTION. Sec. 10. A new section is added to chapter 48.44 RCW to read as follows:

If an individual health care service agreement is issued on any basis other than as applied for, an endorsement setting forth such modification must accompany and be attached to the agreement. No agreement shall be effective unless the endorsement is signed by the applicant, and a signed copy thereof returned to the health care service contractor.

NEW SECTION. Sec. 11. A new section is added to chapter 48.44 RCW to read as follows:

After July 1, 1986, or on the next renewal date of the agreement, whichever is later, every health care service agreement issued, amended, or renewed for an individual and his or her dependents shall contain provisions to assure that the covered spouse and/or dependents, in the event that any cease to be a qualified family member by reason of termination of marriage or death of the principal enrollee, shall have the right to continue the health care service agreement without a physical examination, statement of health, or other proof of insurability.

NEW SECTION. Sec. 12. A new section is added to chapter 48.44 RCW to read as follows:

No health care service contractor shall terminate any person covered under a health care service contract because of a change in the physical or mental condition or health of such person: PROVIDED, That, after approval of the insurance commissioner, a health care service contractor may discharge its obligation to continue coverage for such person by obtaining coverage with another health care service contractor, or with an insurer which is comparable in terms of premiums and benefits.

NEW SECTION. Sec. 13. This chapter shall be known as the state health care purchasing reform act of 1985.

NEW SECTION. Sec. 14. The legislature finds that the rising increase in health costs for public employees and persons within the state's care is a major public policy concern and that unless addressed through specific statutory direction adequate health care will not be attainable through the expenditure of public funds. The legislature further finds that prevalent methods of health care delivery and cost reimbursement are often inefficient and wasteful.

It is therefore the intent of the legislature to control costs of state purchased health care while maintaining an adequate level of care; promote wellness; encourage the development of managed health care systems and other systems that have been effective in controlling costs; place within one authority the responsibility and power to control cost while insuring adequate care; and place the state of Washington in a leadership position in cost containment.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "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 state employees insurance board, the department of labor and industries, the department of corrections, and the department of veterans affairs.

(2)(a) "Managed health care" means a system which shall include these components:

(i) Provision of insurance and responsibility for delivery of care through the same organization;

(ii) A comprehensive range of services either directly or on contract with other providers;

(iii) Control of utilization through identified management intervention points;

(iv) A data collection system that includes, as a minimum, utilization data on all clients and quality of care review; and

- (v) Financial risk to the provider organization.
- (b) It may as an option also include the following:
  - (i) A mechanism to resolve complaints;
  - (ii) Incorporation of health promotion activities as a regular part of medical care;
  - (iii) Membership education regarding appropriate use of facilities and services;
  - (iv) Quality of care reviews, utilization review, and peer review;
  - (v) Financial incentives to the consumer to control costs; and
  - (vi) Public assistance enrollment of approximately the same proportion as all public assistance recipients to the general population of the service area.

**NEW SECTION. Sec. 16.** (1) There is hereby created, within the office of financial management, a unit with the following powers and duties:

(a) To adopt standards for acceptable state purchased health care programs. Standards shall be modeled after the managed health care definition, and other effective cost containing approaches;

(b) To ensure that state purchased health care programs meet promulgated standards by selectively reviewing and approving state agency plans for purchasing health care;

(c) To coordinate the activities of state agencies with respect to health care cost containment policies;

(d) To explore new ways to control cost while maintaining adequate levels of care;

(e) To submit to the legislature by January 7, 1987, legislation to streamline health care purchasing procedures and remove unnecessary barriers, including but not limited to state contracting procedures;

(f) To encourage the private sector to participate in managed health care systems and other effective approaches;

(g) To coordinate and encourage efforts to establish proven health promotion and disease and accident prevention efforts within state-purchased health care programs including, but not limited to education, monitoring, and counseling of consumers on effective methods to minimize illness;

(h) To establish an information gathering capacity, using existing data systems to the extent possible, that enables the unit to fulfill its responsibilities, including:

(i) Monitoring the number of persons in state purchased health care programs, types of benefit packages, and costs;

(ii) Developing, where feasible, comparisons between rates of payments for similar health care by different health care purchasing agencies;

(iii) Preparing and submitting to the legislature and state health care purchasing agencies, by July 1 of each even-numbered year:

(A) Biennial and long-term projections for health care costs assuming the current level of expenditures; and

(B) A proposed budget for total state expenditures for health care taking into consideration savings obtained through the implementation of this chapter;

(i) To establish procedures for volume purchasing of health care goods and equipment;

(j) To appoint a technical advisory committee that represents state employees and state agencies that are involved in the direct purchase, funding, or provision of health care, but whose majority shall be citizen taxpayers with no fiduciary interest in state purchased health care; and

(k) To promulgate rules and standards pursuant to chapter 34.04 RCW.

(2) All state agencies shall cooperate in assisting the unit implement the provisions of this chapter.

(3) The unit shall submit to the legislature no later than November 30, 1986, a report that includes a review of state health care regulatory agencies, including the hospital commission, the health planning and certificate of need sections of the department of social and health services, the board of health, department of licensing, health care facilities authority, and the office of the insurance commissioner.

The report shall describe the respective roles of these agencies regarding health care cost containment and their accomplishments over the preceding six years, and shall address ways to increase the combined efficiency of these agencies to control costs and maintain quality of care.

(4) The unit shall have an administrator who, along with one other employee, shall be exempt from civil service law, chapter 41.06 RCW. The unit shall employ other staff necessary to fulfill the requirements of this chapter who shall be subject to the civil service law, chapter 41.06 RCW.

(5) No later than September 1, 1986, the superintendent of public instruction shall report to the legislature on proposed methods of controlling school employee health care costs using definitions and directives put forth in this section.

**NEW SECTION. Sec. 17.** (1) The state employees' insurance board, the department of social and health services, the department of labor and industries, the department of veterans affairs, and the department of corrections shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing

for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of and may establish a drug formulary designating which drugs may be paid for through the respective health care programs. For purposes of this section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and

(f) May take other necessary measures to control costs of drugs without reducing the quality of care.

(3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section.

(5) Agencies shall report to the unit on the requirements in this section in a timely manner. The unit shall include a related status report in its November 30, 1986 report to the legislature.

Sec. 18. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 255, Laws of 1977 ex. sess. and RCW 28A.58.420 are each amended to read as follows:

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. The board of directors may contract with the state insurance board to provide coverage under chapter 41.05 RCW. Such coverage may be provided by contracts with private carriers, self-insurance, or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Whenever funds shall be 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. 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. 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.

Sec. 19. Section 1, chapter 106, Laws of 1975-76 2nd ex. sess. 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 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 program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to ~~((school district personnel provided for in RCW 28A.58.420 and))~~ 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 the effective date of this 1985 act 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 employees' insurance board, as provided in RCW 41.05.010 ~~((as now or hereafter amended)),~~ 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

(l) 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 employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for.

Sec. 20. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 68, chapter 287, Laws of 1984 and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and ~~((a plan to be provided by))~~ a panel medicine plan in its service area only when approved by the board: PROVIDED, That panel medicine plans be developed by solicitation of sealed bids: PROVIDED FURTHER, That the board may disapprove the offering of any panel medicine plan provided by an organization that declines to enter into an agreement to: (a) Offer premium rating based on the actual claim experience of the state employees' insurance board group or based on a community-rated class; and (b) provide periodic but not less than annual claim experience and administrative expense accounting for premium rating and experience refunding. However, the board may negotiate a delay of up to twelve months for implementation of (a) and (b) of this subsection (3) with respect to a panel medicine plan provided by an organization which does not initially have such internal administrative procedure as may be required for the plan to comply with such terms. The board's bidding procedures with organizations providing panel medicine plans shall not require federally qualified organizations to violate federal laws and regulations.

~~((The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract~~

with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan.)) The board shall establish the state's contribution for employee health benefit packages at a rate equal to one hundred percent of the negotiated contract plan or one hundred percent of the lowest reasonable panel medicine plan bid, whichever is lower. The board shall have the option of accepting the second lowest panel medicine plan bid, as the lowest reasonable bid, if the lowest bid is deemed unreasonable and unsubstantiated. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.010(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(5) Premium rates for health care benefit plans made available to school district or educational service district employees may be based on the actual claims experience of those employees.

Sec. 21. Section 9, chapter 2, Laws of 1983 as last amended by section 1, chapter 107, Laws of 1984 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, ~~((That provision for school district personnel shall not be made under this chapter. PROVIDED FURTHER:))~~ That insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(3) The trustee with the assistance of the department of personnel shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. Sec. 22. A new section is added to chapter 41.05 RCW to read as follows:

(1) Trusteeship of those funds under the authority of the board is vested in the voting members of the board. The board may delegate any of its powers and duties to the director as deemed necessary for efficient administration and if consistent with the purposes of this chapter.

(2) No member of the board is liable for the negligence, default, or failure of any other person or other member of the board to perform the duties of the member's office and no

member of the board shall be considered or held to be an insurer of the funds or assets of any of the funds nor is any nonvoting member liable for actions performed with the exercise of reasonable diligence within the scope of the member's authorized activities as a member of the board.

Sec. 23. Section 19, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.180 are each amended to read as follows:

(1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Except as provided in RCW 41.05.025(3), each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: PROVIDED, That unless at least twenty-five employees agree to participate in a health maintenance organization the employer need not provide such an option: PROVIDED FURTHER, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: AND PROVIDED FURTHER, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees.

Sec. 24. Section 3, chapter 256, Laws of 1979 ex. sess. as amended by section 17, chapter 59, Laws of 1983 and RCW 48.62.030 are each amended to read as follows:

The governing body of any local governmental entity may, as an alternative or in addition to the establishment of a self-funded plan, a self-insurance reserve, or the purchasing of insurance, contract for or hire personnel to provide risk management, claims, and administrative services. Moneys made available and moneys expended by school districts and educational service districts for the purpose of implementing any provision of RCW 48.62.010 through 48.62.120 or RCW 36.16.138 shall be subject to such rules of the superintendent of public instruction as the superintendent may adopt governing the budgeting and accounting of such plan or reserves.

NEW SECTION. Sec. 25. A new section is added to chapter 51.44 RCW to read as follows:

The director of labor and industries shall submit to the legislature no later than January 1, 1986, a report that will propose methods to incrementally reduce the projected expenditures of the medical aid fund up to twenty percent for the period of July 1, 1986, to June 30, 1987. With each proposed incremental reduction, the report shall include: Methods of obtaining the reduction; effects upon injured workers; effects upon the service provider; and drafts of legislation necessary to implement the reductions.

Sec. 26. Section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020 are each amended to read as follows:

There shall be, in the (~~office of the~~) state (~~treasurer~~) treasury, a fund to be known and designated as the "medical aid fund(~~;~~)," disbursements from which shall be made pursuant to appropriation except as provided in RCW 51.44.110.

Sec. 27. Section 51.44.110, chapter 23, Laws of 1961 as last amended by section 68, chapter 350, Laws of 1977 ex. sess. and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the department and disbursements out of the medical aid fund shall be made only pursuant to appropriation. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money appropriated in the fund on which any such warrant is drawn wherewith to pay the same, the warrant shall be paid out of the unappropriated portion of the fund. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose worker it was that the warrant was drawn shall pay the same, and he or she shall be credited upon his or her next following contribution to such fund the amount so paid

with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he or she shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. If disbursements are made out of the unappropriated portion of the fund pursuant to this section, then the director shall make a full accounting to the legislative budget committee.

NEW SECTION, Sec. 28. A new section is added to chapter 74.09 RCW to read as follows:

In addition to its existing managed health care programs the department shall develop plans for two managed health care programs, one in the eastern part and one in the western part of the state. The plan shall include measures to ensure enrollment of at least five thousand medical assistance enrollees in each program, in addition to the number enrolled in managed health care programs as of June 30, 1985. The department shall report to the legislature no later than January 1, 1986, on the development of the plan.

NEW SECTION, Sec. 29. A new section is added to chapter 43.131 RCW to read as follows:

The unit created by section 16 of this act and its powers and duties shall be terminated on June 30, 1991, as provided in section 30 of this act.

NEW SECTION, Sec. 30. 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, 1992.

- (1) Section 13 of this act;
- (2) Section 14 of this act;
- (3) Section 15 of this act;
- (4) Section 16 of this act; and
- (5) Section 17 of this act.

NEW SECTION, Sec. 31. Sections 13 through 17 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 32. Sections 26 and 28 of this act shall take effect July 1, 1987. Sections 13 through 25, 27, and 29 through 31 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 48.44.020, 48.44.030, 48.44.080, 48.44.145, 48.44.290, 48.44.300, 48.44.310, 48.44.350, 28A.58.420, 41.04.205, 41.05.025, 41.05.050, 48.46.180, 48.62.030, 51.44.020, and 51.44.110; reenacting and amending RCW 48.44.010; adding a new section to chapter 41.05 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 48.44 RCW; adding a new section to chapter 51.44 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; providing an expiration date; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 3541 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3630 with the following amendments:

On page 1, after line 3, strike the remainder of the bill and insert:

"Sec. 1. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of ~~((seventeen))~~ fourteen members as follows:

(a) ~~((Eleven))~~ Eight shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Six of the members shall be as follows: ~~((One representative from each of the state's two research universities; one representative of the state college and regional universities; the director for the state system of community colleges or the director's designee; the superintendent of public instruction or the superintendent's designee; and a))~~ One representative of the

council for postsecondary education, two members of the senate with one appointed by the president of the senate from each of the two largest caucuses in the senate, two members of the house of representatives with one appointed by the speaker of the house from each of the two largest caucuses in the house, and the director of the department of commerce and economic development or the director's designee.

(c) The following nonvoting members: One representative selected by each of the state's two research universities, one representative selected by the collective decision of the state colleges and regional universities, and the director of the state system of community colleges or the director's designee.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 2. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee ((and)), coordinate ((the)), and evaluate high-technology ((education and training)) programs.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(b) Identify economic areas ((with)) and high-technology industries in need of technical training and research and development critical to ((economic renewal or)) economic development and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the council for postsecondary education or its statutory successor during the council's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the council for postsecondary education or its statutory successor over the review of new degree programs as established in RCW 28B.80.035;

(f) ((Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources)) Work cooperatively with the department of commerce and economic development to identify the high-technology education and training needs of existing Washington businesses and businesses with the potential to locate in Washington; ((and))

(g) Work towards increasing private sector participation and contributions in Washington high-technology programs;

(h) Identify and evaluate the effectiveness of state sponsored research related to high technology;

(i) Establish and maintain a plan, including priorities, to guide high-technology program development in public institutions of higher education, which plan shall include an assessment of current high-technology programs, steps to increase existing programs, new initiatives and programs necessary to promote high technology, and methods to coordinate and target high-technology programs to changing market opportunities in business and industry;

(j) Prepare and submit to the legislature before the first day of each regular session an annual report on ((the)) Washington high-technology ((education and training)) programs including, but not limited to:

(i) An evaluation of ((the)) each program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

Sec. 3. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by existing staff of the council for postsecondary education or its statutory successor and the department of commerce and economic development.

NEW SECTION. Sec. 4. The provisions of section 1 of this act decreasing the citizen members of the high-technology coordinating board appointed by the governor shall not result in the termination of the membership of any existing citizen member of the board. All citizen members on the board as of the effective date of this act shall be permitted to continue serving their terms. No appointments may be made, however, to fill the positions of the first three citizen members who resign or whose terms expire."

On page 1, on line 2 of the title, after "board;" strike "and" and after "28B.65.060" insert "; and creating a new section",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 3630 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SENATE BILL NO. 3812 with the following amendments: and the same are herewith transmitted.

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. By January 1, 1986, the department of ecology shall report to the legislature all enforcement actions initiated from 1983 through November, 1985 regarding the protection of Puget Sound water quality. The report shall include the number and type of complaints received, the number of inspections conducted, the number of violations cited, the number of variances granted, the amount of penalties collected, the number of times maximum fines were collected, the number of penalties that were rescinded, and the number of criminal actions that were taken. The department of ecology shall also hold public hearings in December, 1985 in accordance with the administrative procedure act, chapter 34.04 RCW, regarding the adequacy of current enforcement activities. A report summarizing the testimony presented shall also be prepared for the legislature by February 15, 1986.

Sec. 2. Section 14, chapter 139, Laws of 1967 ex. sess. as last amended by section 9, chapter 155, Laws of 1973 and RCW 90.48.144 are each amended to read as follows:

Every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or this amendatory act, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or this amendatory act, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or regulations or orders adopted or issued pursuant thereto, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ~~((five))~~ ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. 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 amount shall be set in consideration of the previous history of the violator in addition to other relevant factors. The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the director of the department or his authorized delegate describing such violation with reasonable particularity. The director or his authorized delegate may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. The director shall remit or mitigate penalties only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty. Any person incurring any penalty hereunder may appeal the same to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of

receipt of notice from the director or his authorized delegate setting forth the disposition of the application. Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 3. Section 18, chapter 216, Laws of 1945 as last amended by section 2, chapter 155, Laws of 1973 and RCW 90.48.120 are each amended to read as follows:

(1) Whenever, in the opinion of the department, any person shall violate or ~~((is about))~~ creates a substantial potential to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail. Such determination shall not constitute an order or directive under RCW 90.48.135. Within thirty days from the receipt of notice of such determination, such person shall file with the department a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the department. Whereupon the department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

(2) Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed.

Sec. 4. Section 5, chapter 133, Laws of 1969 ex. sess. as amended by section 10, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.340 are each amended to read as follows:

The director shall investigate each activity or project conducted under RCW 90.48.330 to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the director, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335, the director shall notify said person or persons by appropriate order: PROVIDED, That no order may be issued pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. Said order shall state the findings of the director, the amount of necessary expenses incurred by the commission in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The commission may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the commission may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the director notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the commission subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the director, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business to recover the amount specified in the final order of the director or the commission, as appropriate. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if he can prove that the oil to which the necessary expenses relate entered the waters of the state by causes set forth in RCW 90.48.320(3). ~~((For purposes of this section "necessary expenses" shall not include expenses relating to investigation or the performance of surveillance.))~~

Sec. 5. Section 13, chapter 139, Laws of 1967 ex. sess. as amended by section 12, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.142 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or fails to perform any duty imposed by this chapter, or violates an order or other determination of the commission or the director made pursuant to the provisions of this chapter, including the conditions of a waste

discharge permit issued pursuant to RCW 90.48.160, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state, or otherwise causes a measurable reduction in the quality of the state's waters (~~below the standards set by the commission~~), thereby damaging the same, shall be liable to pay the state damages in an amount equal to the sum of money necessary to restock such waters, replenish such resources, and otherwise restore the stream, lake or other water source to its condition prior to the injury, as such condition is determined by the commission. Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of the county in which such damages occurred: PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to either the state game fund or the department of fisheries to use for food fish or shellfish management purposes and propagation, or to any other agency of the state having jurisdiction over the resource damaged and for which said moneys were recovered, as appropriate: PROVIDED, That the agency receiving such money shall utilize not less than one-half of said money on activities or projects within the county where the action was brought by the attorney general. No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

Sec. 6. Section 7, chapter 133, Laws of 1969 ex. sess. as amended by section 9, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.350 are each amended to read as follows:

Any person who (~~intentionally or 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 of a continuing violation; said amount to be determined by the director of the commission 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, 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 become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best interest of the state in carrying out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have the authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after the receipt of notice imposing the same, or if an application for remission or mitigation has been made within fifteen days as herein provided and the amount provided in the order issued by the director subsequent to such application is not paid within fifteen days after the receipt thereof, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or any other county in which such violator may do business, to recover the amount specified in the final order of the director. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135."

On page 1, line 1 of the title, after "control," strike the remainder of the title and insert "amending RCW 90.48.144, 90.48.120, 90.48.340, 90.48.142, and 90.48.350; and creating a new section."

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate refuses to concur in the House amendments to Senate Bill No. 3812 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3812 and the House amendments thereon: Senators Kreidler, Bluechel, and Talmadge.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SENATE BILL NO. 4142 with the following amendment:  
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 33, chapter 3, Laws of 1983 and RCW 28A.57.020 are each amended to read as follows:  
As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "~~((County))~~ Regional committee" means the county or regional committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.21.071 ~~((When a county has property both within and without an educational service district or districts, the state board of education shall determine which educational service district superintendent shall carry out the functions assigned to the educational service district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040; said appointee to serve at the pleasure of the state board))~~ or his or her designee.

Sec. 2. Section 28A.57.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.030 are each amended to read as follows:

(1) There is hereby created in each ~~((county))~~ educational service district, except for an educational service district containing any portion of a class AA county, a committee which shall be known as the ((county)) regional committee on school district organization, which committee shall be composed of not less than ((five)) seven nor more than nine registered voters of the ((county)) educational service district, the number ((in each county to be determined by the persons in RCW 28A.57.032 charged with the duty of electing the members of the committee)) to correspond with the number of board member districts established for the governance of the educational service district in which the regional committee is located. One member of the regional committee shall be elected from the registered voters of each such educational service district board member district.

(2) In any educational service district containing a class AA county, each county in the educational service district shall have a regional committee on school district organization which shall be composed of registered voters of the county, the number in each county to be determined as follows:

(a) In counties having five or more members on the county legislative authority, the number of members on the regional committee for the county shall be equal to the number of members on the county legislative authority. One member on the regional committee shall be elected from each county legislative authority member district;

(b) In counties having four or fewer members on the county legislative authority, the number of members on the regional committee for the county shall be equal to twice the number of members on the county legislative authority. Two members from the regional committee shall be elected from each county legislative authority member district.

Sec. 3. Section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as last amended by section 79, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.031 are each amended to read as follows:

((Neither the educational service district superintendent nor an employee of a school district shall be a member of the county committee.)) Persons possessing the status of any of the following positions shall not be eligible to be a member of a regional committee: The superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, officers appointed by any such governing board, and employees of a school district, an educational service district, the office of the superintendent of public instruction, a private school, or a private school district.

Sec. 4. Section 1, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.032 are each amended to read as follows:

The members of ~~((the county))~~ each regional committee shall be elected ((by the educational service district superintendent and the members of the board of directors of the school districts of the county at a meeting which the educational service district superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county;

and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first or second class) in the county:)) in the following manner:

(1) On or before the 25th day of September, 1986, and not later than the 25th day of September of every subsequent year, each superintendent of an educational service district shall call an election to be held in each county or educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the county or educational service district. Such notice shall include instructions, and the rules and regulations established by the state board of education for the conduct of the election. The state board of education is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish standards and procedures which the state board deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the county or educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of members on the county legislative authority or in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.21 RCW a new regional committee shall be elected for each affected county or educational service district at the next annual election conducted pursuant to this section. Those persons who were serving on a regional committee within a county or an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the county or educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a ((county)) regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the county legislative authority member district or educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

((If more than one educational service district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the educational service district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided:))

Sec. 5. Section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as last amended by section 81, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.033 are each amended to read as follows:

((Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee under RCW 28A.57.032: PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the educational service district superintendent:)) In case of a vacancy from any cause on a regional committee, the remaining members of the committee shall fill such vacancy by appointment pursuant to a majority vote of the remaining members: PROVIDED, That should there exist fewer members on a regional committee than constitutes a majority of the legally established committee member positions, the educational service district board members of the district in which the committee is located, by the vote of a majority of the members in its legally established number of board member positions, shall appoint a sufficient number of committee members to constitute a legal majority on the committee. Appointees to fill vacancies shall meet the requirements provided by law for committee members and shall serve until the next regular election for members of regional committees at which time a successor shall be elected for the balance of the unexpired term.

Sec. 6. Section 28A.57.034, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.034 are each amended to read as follows:

The terms of members of the ~~((county))~~ regional committees shall be for five years and until their successors are elected. As nearly as possible one-fifth of the members shall be elected annually. For the initial election conducted pursuant to section 30 of this 1985 act and the election of a new regional committee following a change in the number of members of the county legislative authority or educational service districts or board members, regional committee member positions one and six shall be for a term of five years, positions two and seven shall be for a term of four years, positions three and eight shall be for a term of three years, positions four and nine shall be for a term of two years, and position five shall be for a term of one year.

Sec. 7. Section 28A.57.035, chapter 223, Laws of 1969 ex. sess. as amended by section 118, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.035 are each amended to read as follows:

Members of ~~((the county))~~ each regional committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Sec. 8. Section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 82, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.040 are each amended to read as follows:

~~((The county))~~ Each regional committee shall organize by electing from its membership a chairman and a vice chairman. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 9. Section 2, chapter 15, Laws of 1975-76 2nd ex. sess. as amended by section 1, chapter 6, Laws of 1985 and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of ~~((the county))~~ each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the county or educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the ~~((county))~~ regional committee to provide for satisfactory improvement in the school district system of the county or educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the ~~((county))~~ regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 or 28A.57.200 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the ~~((county))~~ regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The ~~((county))~~ regional committee shall cause notice to be ~~((posted))~~ given, at least ten days prior to the date appointed for any such hearing, ~~((a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is~~

involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required, and (d) at the place or places of holding the hearing)) in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by ~~((newspaper:))~~ radio~~(:))~~ and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the office of financial management shall be divided into directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the ~~((county))~~ regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section~~((except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby))~~.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 10. Section 28A.57.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.055 are each amended to read as follows:

~~((The county))~~ Each regional committee, in carrying out the purposes of RCW 28A.57.050, shall ~~((give due consideration in))~~ base its judgment and recommendations, if any, to the state board of education, upon such standards and considerations as are established by the state board of education pursuant to chapter 34.04 RCW for the preparation of ((plans)) recommended changes in the organization and extent of school districts and terms of adjustment as provided for ((therein (a))) in RCW 28A.57.050. Such rules and regulations shall provide for giving consideration: (1) To equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; ((fb)) (2) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; ((fe)) (3) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; ((fd)) (4) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; ((fe)) (5) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction facilities, equipment, materials, libraries, and health and other services; ((fb)) (6) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: PROVIDED, That a nonhigh school district may be excluded from a plan if such district is found by the ((county)) regional committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; ((fg)) (7) to the future effective utilization of existing satisfactory school buildings, sites, and playgrounds; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and ((fh)) (8) to any other matters which in the judgment of the ((committee)) state board of education are related to or

may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

Sec. 11. Section 26, chapter 282, Laws of 1971 ex. sess. and RCW 28A.57.057 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the ((county)) regional committee on school organization after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board of education for its approval or revision. Upon receipt of notification of state board of education action, the ((county)) regional committee on school organization shall transmit to the county commissioners of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 12. Section 28A.57.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.060 are each amended to read as follows:

The powers and duties of the state board with respect to this chapter shall be:

(1) To aid ((county)) regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in ((the county)) their respective counties or educational service districts.

(2) To receive, file, and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by ((county)) regional committees and to approve such proposals and so notify the ((county)) regional committees when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities of the school districts involved or affected: PROVIDED, That whenever such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the ((county)) regional committee and, upon request, assist the committee in making revisions which revisions shall be resubmitted within sixty days after such notification for reconsideration and approval or disapproval.

Sec. 13. Section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 84, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.070 are each amended to read as follows:

Upon receipt by ((the county)) a regional committee of such notice from the state board as is required in RCW 28A.57.060(2), the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his or her action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his or her office.

Sec. 14. Section 28A.57.075, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.075 are each amended to read as follows:

Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

~~((In case the aforesaid approval))~~ If a change in school district organization approved by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the educational service district superintendent seems expedient. When the ((county)) regional committee has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor such special election shall be called, conducted, and the returns canvassed as in regular school district elections.

Sec. 15. Section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 86, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.080 are each amended to read as follows:

Notice of such special elections as provided for in RCW 28A.57.075 shall be given by the county auditor as in RCW 29.27.080 provided ~~((and in addition thereto the educational service district superintendent shall cause to be posted (1) in at least three public places in the territory of a proposed new district or of an established district involved in a proposal for adjustment of bonded indebtedness; and (2) on a commonly used schoolhouse door of each district included in the proposed new district; and (3) in some public place in the territory of each part of a district included in the proposed new district; and (4) at the place or places of holding the election; a statement encompassing the contents of the notice)).~~ The notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

Sec. 16. Section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 87, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if ~~((a majority of))~~ sixty percent or more of all votes cast thereon ~~((is))~~ are in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall: (1) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his or her action to the county and school district officials specified in RCW 28A.57.070. He or she may designate, with the approval of the ~~((new district))~~ superintendent of public instruction, a name and number different from that of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The educational service district superintendent ~~((if he deems such action advisable, may))~~ shall fix, as the effective date of any order or orders he or she is required by this chapter to make, a date no later than the first day of ~~((July))~~ September next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries pursuant to RCW 84.09.030.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his or her office.

Sec. 17. Section 28A.57.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.100 are each amended to read as follows:

If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the ((county)) regional committee may make such revisions therein as it deems advisable and submit the revised proposal or proposals to the state board. Thereafter such revised proposal or proposals shall be subject to the provisions and procedural requirements of this chapter applicable to original proposals submitted to said board.

Sec. 18. Section 28A.57.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.110 are each amended to read as follows:

The superintendent of public instruction shall furnish to the state board and to ((county)) regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for ((county)) regional committee members to be in accordance with RCW 28A.57.035, as now or hereafter amended, and such reimbursement for state board members to be in accordance with ((allowances for members of the legislature under RCW 44.04.120, as now or hereafter amended)) RCW 28A.04.110.

Sec. 19. Section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 90, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.150 are each amended to read as follows:

Each incorporated city or town in the state shall be comprised in one school district: PROVIDED, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter in this section provided.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the educational service district superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town and (2) whenever a part of a district so included contains a school building of the district, present to the ((county)) regional committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a town to include territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, the ((county)) regional committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the educational service district superintendent shall declare the territory so included to be a part of the school district containing said town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the educational service district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any other district in existence in the county.

The educational service district superintendent((if he deems such action advisable, may)) shall fix as the effective date of any declaration or order required under this section a date no later than the first day of ((July)) September next succeeding the date of the issuance of such declaration or order.

Sec. 20. Section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1982 and RCW 28A.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the educational service district superintendent, as secretary of the ((county)) regional committee, by registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. A total of ten or more registered voters residing in such affected areas or area as the case may be may sign and present such petition with the approval of the boards of directors of the affected school districts. A total of ten percent or more of the registered voters residing in such affected areas or area as the case may be may sign and present such petition with or without the approval of the boards of directors of the affected school districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof will be considered during a school fiscal year.

Sec. 21. Section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.180 are each amended to read as follows:

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the educational service district superintendent, as secretary of the ((county)) regional committee, signed by a majority of the registered voters residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no registered voter resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the educational service district superintendent, without being petitioned to do so, may present to the ((county)) regional committee a proposal for the transfer from one school district to another of any territory in which no children of school age reside: PROVIDED FURTHER, That the educational service district superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the common school student population of the entire district from which such transfer is proposed, unless he or she has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those registered voters voting in said election; and if such proposed transfer is disapproved, the state board of education shall determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the state board decides in the negative, the superintendent of public instruction may thereupon withhold from such district, in whole or in part, state contributed funds.

Sec. 22. Section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.190 are each amended to read as follows:

Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, or by a school district in which a high school with a program approved by the state board of education is situated and maintained, the educational service district superintendent shall report said fact to the ((county)) regional committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory or district so bounded.

Sec. 23. Section 2, chapter 63, Laws of 1972 ex. sess. and RCW 28A.57.196 are each amended to read as follows:

On or before June 1, 1972, or in any year in the future when there are more than two thousand five hundred common school age children on a military reservation as referred to in RCW 28A.57.195 resident therein, whichever is the case, and notwithstanding other provisions of this chapter or any other provision of law, the ((county)) regional committee ((on-school district organization)) of each county or educational service district in which such a United States military reservation is located, or in the case such military reservation is located in two or more counties or educational service districts, the joint ((county)) regional committee established pursuant to RCW 28A.57.240, shall order effective ((July)) September 1 of the then calendar year the annexation of portions of reservation territory not currently within the single school district, as required by RCW 28A.57.195, to one of the school districts encompassing a portion of the military reservation: PROVIDED, That notwithstanding any other provision of RCW 28A.57.195 and 28A.57.196 the annexation order shall not include territory of school districts on such military reservations in which none or less than a majority of the pupils residing within that portion of the district within such military reservation have one or more parents serving in the military and under such military command. Notwithstanding any other provision of law, the decision as to which school district shall serve the pupils residing within such military reservation shall rest solely with the ((county)) regional committee ((on-school district organization)) of the county or educational service district in which the affected military reservation is located.

The ((county)) regional committee ((on school district organization)) shall order such equitable transfer of assets and liabilities as is deemed necessary for the orderly transfer of the territory in accordance with transfers in other annexation proceedings authorized under this chapter.

Sec. 24. Section 4, chapter 15, Laws of 1975-76 2nd ex. sess. and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than ((two)) five pupils or shall not have made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report said fact to the ((county)) regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts: PROVIDED, That for the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by the conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15 of that year: PROVIDED FURTHER, That school districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort: PROVIDED FURTHER, That in the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees such district shall not be subject to the requirements of this section. In case any territory is not a part of any school district, the educational service district superintendent shall present to the ((county)) regional committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 25. Section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 95, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.240 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a ((county)) regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county or educational service district is involved shall be performed jointly by the ((county)) regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one county or educational service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a ((county)) regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by ((the whole)) a majority of the regional committee ((of the county)). Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board by the ((county)) regional committee of the county or educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 26. Section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as last amended by section 96, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.245 are each amended to read as follows:

Whenever a proposed change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve ((a joint)) school districts in two or more counties or educational service districts, and a majority of at least one of the ((county)) regional committees ((or either county)) involved approve a proposal but the proposal is not approved by the other ((county)) regional committee or committees or one or more of said committees fails or refuses to act upon the proposal within sixty days of its receipt, the ((county)) regional committee or committees approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee ((on joint school district organization)) composed of five persons. The members of the temporary committee shall be selected from the membership of any ((county)) regional committee in this state except that no member shall be appointed from any county or educational service district in which ((part of the joint district)) there is situated a school district that would be affected by the proposed change. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, this temporary committee ((on joint school district organization)) shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a ((county)) regional committee under the provisions of this chapter and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the educational service district superintendents under the provisions of this chapter. It shall be the duty of the educational service district superintendents of the educational service districts in which the ((joint)) school districts

~~((is))~~ that would be affected by the proposed change are situated to assist the temporary committee ~~((on joint school district organization))~~ by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 27. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the ~~((county))~~ regional committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.328~~((as now or hereafter amended))~~. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.355, 28A.57.356, and 28A.57.357~~((as now or hereafter amended))~~. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

Sec. 28. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the ~~((county))~~ regional committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the ~~((county))~~ regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 29. Section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as last amended by section 106, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.390 are each amended to read as follows:

~~((The))~~ Each educational service district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided, and (2) a record of the action taken by the ~~((county))~~ regional committee in establishing such boundaries.

NEW SECTION. Sec. 30. A new section is added to chapter 28A.57 RCW to read as follows:

Notwithstanding any other provision of this chapter to the contrary, those persons who were county committee members and registered to vote as of the effective date of this act shall constitute the regional committee of the county or educational service district within which they are registered to vote until the election of the initial regional committee pursuant to this section. The initial election of members of each regional committee shall be by those persons who were county committee members registered to vote within the county or educational service district as of the effective date of this act. Only persons who were county committee members and so registered to vote as of the effective date of this act shall be eligible for membership on an initial regional committee, and only those persons who are eligible for such membership and are in attendance at a meeting held for the purpose of the election shall be entitled to cast a vote. The meeting shall be held at a time and place designated and announced by the educational service district superintendent, but no later than the thirtieth day after the effective date of this act. The educational service district superintendent shall preside over the meeting. Nominations shall be from the floor and shall be for position numbers assigned by the educational service district superintendent for the purpose of the initial election and all subsequent elections held pursuant to RCW 28A.57.032. Members of each initial regional committee shall be elected by majority vote and shall serve for the staggered terms of office set forth in RCW 28A.57.032 and until their successors are certified as elected pursuant to RCW 28A.57.032.

Sec. 31. Section 28A.56.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.005 are each amended to read as follows:

High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include major alteration or major remodeling of buildings and the acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction.

equipping and furnishing of a building or of an alteration or addition to a building. The term shall also (1) include that portion of any building, alteration, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (2) includes such facilities for grades seven and eight when included in a plan as aforesaid, if the ((county)) regional committee on school district organization finds that students of these grades who reside in any nonhigh school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued.

Sec. 32. Section 28A.56.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.010 are each amended to read as follows:

Upon receipt of a written request from the board of directors of a high school district or a nonhigh school district that presents to the ((county)) regional committee on school district organization satisfactory evidence of a need for high school facilities to be located therein and of ability to provide such facilities, the ((county)) regional committee shall prepare a plan for participation by any nonhigh school district or districts in providing capital funds to pay the costs of such school facilities and equipment to be provided for the education of students residing in the school districts. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the ((county)) regional committee along with the aforesaid request.

Sec. 33. Section 28A.56.020, chapter 223, Laws of 1969 ex. sess. as amended by section 91, chapter 7, Laws of 1985 and RCW 28A.56.020 are each amended to read as follows:

The ((said-county)) regional committee on school district organization shall give consideration to:

- (1) The report submitted by the board of directors as stated above;
- (2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other non-high school district within which the establishment of a high school within a period of two years is warranted;
- (3) The assessed valuation of the school districts involved;
- (4) The cash balance, if any, in the capital projects fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and
- (5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan.

Sec. 34. Section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 74, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.030 are each amended to read as follows:

The ((said-county)) regional committee on school district organization shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the educational service district superintendent, or his or her designee, may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the ((county)) regional committee. The ((county)) regional committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing.

Sec. 35. Section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.040 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as ((aforesaid)) provided in RCW 28A.56.030, the ((county)) regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the ((county)) regional committee of such action. Upon receipt by the ((county)) regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a ((county)) regional committee is not approved by the state board, the ((county)) regional committee shall be so notified, which notification shall contain a

statement of reasons therefor and suggestions for revision. Within sixty days thereafter the ((county)) regional committee shall submit to the state board a revised plan which revision shall be subject to approval or disapproval by the state board and the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Sec. 36. Section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 77, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.060 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.56.050 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.58.230, following the close of the school year during which the second election is held: PROVIDED, That in any such case the ((county)) regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the ((county)) regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a ((county)) regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 37. Section 28A.56.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.070 are each amended to read as follows:

In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW 28A.56.050 and 28A.56.060, the ((county)) regional committee on school district reorganization may initiate a proposal for annexation of such nonhigh school district as provided for in RCW 28A.56.060.

**NEW SECTION.** Sec. 38. A new section is added to chapter 28A.57 RCW to read as follows:

Any proceeding or hearing now or hereafter initiated, being considered, or in progress pursuant to this chapter as of the effective date of this act or thereafter which is interrupted by a change in committee membership by chapter ... (Senate Bill No. 4142), Laws of 1985 shall continue and be assumed and decided with equal force and effect by the initial regional committees and all other successor committees provided for in RCW 28A.57.032 and 28A.57.055: PROVIDED, That such committees may elect to reconduct proceedings on hearings already in progress and shall reconduct wholly or partially completed hearings required pursuant to this chapter unless the majority of the committee deciding the matter have either read or heard previously submitted testimony and evidence.

**NEW SECTION.** Sec. 39. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Senate Bill No. 4142 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 4142 and the House amendment thereon: Senators Gaspard, Barr and Bender.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4209 with the following amendments:

On page 1, line 12, after "air" insert ", but excluding the handling of nonfriable, solid asbestos as long as such asbestos is not subjected to any abrasion or tearing"

On page 1, line 27, after "worker." insert the following:

"In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage and disposal of asbestos."

On page 2, line 6, after "decontamination." insert "This training is intended to represent the minimum training and education requirement for certification and shall not preclude contractors or employers from providing additional training."

On page 2, line 23, after "worker." insert the following:

"In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 4209 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4209 and the House amendments thereon: Senators Warnke, Cantu and Wojahn.

#### MOTION

On motion of Senator Vogtild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4231 with the following amendments:

On page 1, line 16, after "issued." insert "The commission shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state."

On page 5, line 2, after "~~(5)~~" strike all material through line 4 and insert "A falconry ~~((stamp))~~ license is required to possess or hunt with a falcon ~~((during))~~, including seasons established exclusively for hunting in that manner. The fee for this ~~((stamp))~~ license is ~~((fifteen))~~ thirty dollars."

On page 5, line 8, after "Stamps" insert "and licenses"

On page 5, beginning on line 35, strike everything through "license." on page 6, line 14, and insert the following:

~~"(A conservation license is required to be displayed on all vehicles parked on game department lands or using game department access facilities which shall be clearly identified. The fee for this license is five dollars annually. The license shall be issued to the registered owner of the vehicle and is nontransferable.~~

~~A conservation license shall be issued without charge to persons possessing a hunting, fishing, trapping, or free license.)~~ A person may purchase a conservation license in order to use game department lands and access facilities. The fee for this license is eight dollars.

On page 2, line 5, strike everything through "nonresidents." on line 9, and insert the following:

"A nonresident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((nine))~~ twelve dollars ~~((and fifty cents)).~~"

On page 3, after line 13, insert the following:

"Sec. 6. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 280, Laws of 1983 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) A person seventy years of age or older who has been a resident for ten years ~~((or a))~~ may receive a fishing license upon payment of a fee equal to one-half of the amount specified in RCW 77.32.101.

(3) A blind person, or a person with a development disability as defined in RCW 71.20.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((3))~~ (4) A fishing license is not required for persons under the age of ~~((sixteen))~~ fourteen.  
~~((4))~~ (5) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Renumber the sections consecutively.

On page 1, line 2 of the title, after "77.32.211," insert "77.32.230."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 4231 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3717 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570 are each amended to read as follows:

Any retired teacher who enters service in any public educational institution in Washington state shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension.

NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW to read as follows:

Section 1 of this act shall apply to all persons governed by the provisions of RCW 41.32.005, regardless of the date of their retirement, but shall apply only to benefits payable after the effective date of this act.

Sec. 3. Section 21, chapter 274, Laws of 1947 as last amended by section 3, chapter 18, Laws of 1982 and RCW 41.40.200 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his or her employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty or who becomes totally incapacitated for duty and qualifies to receive benefits under Title 51 RCW as a result of an occupational disease, as now or hereafter defined in RCW 51.08.140, while in the service of an employer, without wilful negligence on his or her part, shall be retired: PROVIDED, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his or her duty ~~((to his employer))~~ and that such member should be retired: PROVIDED FURTHER, That the ~~((retirement board))~~ director concurs in the recommendation of the medical adviser: AND PROVIDED FURTHER, No application shall be valid or a claim thereunder enforceable unless, in the case of an accident, filed within two years after the date upon which the injury occurred, or in the case of an occupational disease, filed within two years after the member separated from service with the employer.

(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))~~ director, shall be considered a retirement under subsection (1) of this section.

Sec. 4. Section 38, chapter 274, Laws of 1947 as last amended by section 22, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.370 are each amended to read as follows:

(1) The director shall ascertain and report to each employer the contribution rates necessary to meet present and future pension liabilities of the system for the ensuing biennium or fiscal year, whichever is applicable. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 to an estimate

of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. Each said employer shall compute at the end of each month the amount due for that month and the same shall be paid as are its other obligations.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the director shall bill such employer (~~(through the director of financial management)~~) for such employer's contribution together with such charges as the director deems appropriate in accordance with RCW 41.50.120. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls.

Sec. 5. Section 22, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 44.44.040 are each amended to read as follows:

The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which ~~(shall)~~ briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

Sec. 6. Section 6, chapter 294, Laws of 1977 ex. sess. as amended by section 10, chapter 184, Laws of 1984 and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Effective January 1, 1986, however, no 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 proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that 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 basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 7. Section 11, chapter 14, Laws of 1963 ex. sess. as last amended by section 1, chapter 236, Laws of 1984 and RCW 41.32.401 are each amended to read as follows:

(1) For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future liabilities of the system and to pay for an equitable portion of the operating expenses of the department, the director shall determine the necessary contribution rates to be made by each employer on all members' total earnable compensation on the basis of the latest valuation prepared by the state actuary, and shall include a percentage contribution of the total earnable compensation, to be known as the "normal contribution" and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." The director shall notify employers of such rates at least thirty days prior to their effective date. Such determination shall provide for amortization of unfunded retirement system liabilities over a period of not more than fifty years from July 1, 1964. The legislature shall appropriate to the superintendent of public instruction the full amount recommended by the state actuary for the employer contribution rates for state funded certificated staff. The amounts shall be deposited in the teachers' retirement fund for the payment of pensions, survivors' benefits, and the employer's share of the operating expenses for the system. However, a school district and an educational service district for the 1985-86 school year shall not be required to pay to the department of retirement systems for the employer contribution to the teachers' retirement system, any amount in excess of the funds received by such school district or educational service district from the state through the office of the superintendent of public instruction for such purpose, and for the 1986-87 school year and thereafter, a school district and an educational service district shall not be required to pay at a rate exceeding the rate that the director sets for the employer contribution for each employee. Effective January 1, 1986, however, no contributions will be required for the calendar months in which the member is not granted service credit if the member or employee first established membership on or after October 1, 1977.

(2) In order to equitably reimburse the department of retirement systems expense fund, the director shall ascertain and report to each employer the contribution rate necessary to defray its proportional share of the cost of administering this chapter during either the next biennium or fiscal year, whichever is required to provide the amounts needed to defray such cost of administration. The director shall also ascertain at the beginning of either each biennium or each fiscal year, whichever is required, and request from the legislature an appropriation for the department of retirement systems expense fund sufficient to cover estimated expenses for the biennium or fiscal year.

Sec. 8. Section 6, chapter 293, Laws of 1977 ex. sess. as amended by section 11, chapter 184, Laws of 1984 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 41.32.401.

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, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the 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. 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.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 9. Section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the

employees' savings fund to the department of retirement systems expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. Effective January 1, 1986, however, no contributions are required for any calendar month in which the member is not granted service credit. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.

Sec. 10. Section 4, chapter 231, Laws of 1957 as last amended by section 13, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.361 are each amended to read as follows:

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: PROVIDED, That as to state employers effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of seven percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall ~~((not be less than the uniform and constant percentage of the prospective compensation of all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability))~~ be set at a percentage sufficient to provide for the amortization of unfunded retirement system liabilities over a period of not more than forty years from June 30, 1985. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer and employee would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: PROVIDED, That either the employee or employer may make the contributions the

employee would have made during the same period of time: PROVIDED FURTHER, That all additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission. Employee contributions for these periods must be made before the member will receive credit for those periods of service, pursuant to such regulations as the retirement board may adopt.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation.

Sec. 11. Section 38, chapter 274, Laws of 1947 as last amended by section 22, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.370 are each amended to read as follows:

(1) The director shall ascertain and report to each employer the contribution rates necessary to meet present and future pension liabilities of the system for the ensuing biennium or fiscal year, whichever is applicable. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer, except no contributions are required for any calendar month in which the member is not granted service credit. Each said employer shall compute at the end of each month the amount due for that month and the same shall be paid as are its other obligations.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the director shall bill such employer through the director of financial management for such employer's contribution together with such charges as the director deems appropriate in accordance with RCW 41.50.120. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls.

Sec. 12. Section 6, chapter 295, Laws of 1977 ex. sess. as amended by section 12, chapter 184, Laws of 1984 and RCW 41.40.650 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.

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, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the 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 compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

NEW SECTION, Sec. 13. A new section is added to chapter 41.26 RCW to read as follows:

(1) A disabled member who believes that his or her disability has ceased in accordance with RCW 41.26.130(3) may make application to the disability board which originally found the member to be disabled, for a determination that the disability has ceased.

(2) Every order of a disability board determining that a member's disability has ceased pursuant to RCW 41.26.130(3) shall forthwith be reviewed by the director. The director may affirm the decision of the disability board or remand the case for further proceedings if the director finds the disability board's findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional provisions; or

- (b) In excess of the statutory authority or jurisdiction of the disability board; or
  - (c) Made upon unlawful procedure; or
  - (d) Affected by other error of law; or
  - (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
  - (f) Arbitrary or capricious.
- (3) Determinations of whether a disability has ceased under RCW 41.26.130(3) and this section shall be made in accordance with the same procedures and standards governing other cancellations of disability retirement.

Sec. 14. Section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 294, Laws of 1981 and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of reexaminations of members on disability retirement as provided in RCW 41.26.130, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary 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 said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

(6) Any person feeling aggrieved by an order of a disability board determining that a beneficiary's disability has not ceased, pursuant to RCW 41.26.130(3) has the right to appeal the order or determination to the director. The director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the director within thirty days following the rendition of the order by the disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the director for review. Upon review of the record, the director may affirm the order of the disability board or may remand the case for further proceedings if the director finds that the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

Sec. 15. Section 13, chapter 274, Laws of 1947 as last amended by section 13, chapter 184, Laws of 1984 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) 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:

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, in any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW:

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d)

are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of the effective date of this 1985 act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1985, 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.

**NEW SECTION.** Sec. 16. A new section is added to chapter 41.04 RCW to read as follows:

No statute which grants an increase in benefits to members or beneficiaries of a public retirement system created in this title or Titles 2, 28B, or 43 RCW, shall be effective unless it includes an appropriation or employee contribution increase sufficient to fund the actuarial present value of the increase in fully projected benefits. This section shall not apply to retirement system plans in which employees contribute fifty percent or more of the costs of the retirement system plan.

Sec. 17. Section 4, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 37, Laws of 1984 and RCW 2.10.040 are each amended to read as follows:

The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after August 9, 1971, and prior to the effective date of this 1985 act, shall be members of this system: PROVIDED, That following February 23, 1984, and until the effective date of this 1985 act, any newly elected or appointed judge holding credit toward retirement benefits under chapter 41.40 RCW shall be allowed thirty days from the effective date of election or appointment to such judgeship to make an irrevocable choice filed in writing with the department of retirement systems to continue coverage under that chapter and to be permanently excluded from coverage under this chapter for the current or any future term as a judge. All judges first appointed or elected to the courts covered by these chapters on or after the effective date of this 1985 act may become members of the public employees' retirement system under chapter 41.40 RCW on the same basis as other elected officials as provided in RCW 41.40.120(3).

Any member of the retirement system who is serving as a judge as of the effective date of this 1985 act has the option of becoming a member of the retirement system created in chapter 41.40 RCW, subject to the conditions imposed by section 18 of this 1985 act, by making an irrevocable choice filed in writing with the department of retirement systems to be permanently excluded for the current and any future term as a judge.

**NEW SECTION.** Sec. 18. A new section is added to chapter 41.40 RCW to read as follows:

(1) Any member of the Washington judicial retirement system who wishes to transfer such membership to the retirement system provided for in this chapter shall file a written request with the director as required by RCW 2.10.040 on or before December 31, 1986. Upon receipt of such request, the director shall transfer from the judicial retirement system to this retirement system: (a) An amount equal to the employee contributions paid into the judicial retirement system by the member which shall be credited to the member's account established under this chapter; (b) an amount equal to the matching employer contributions as provided by RCW 2.10.090(2); and (c) a record of service credited to the member.

(2) The member shall be given year-for-year credit for years of service, as determined under RCW 2.10.030(8), earned under the judicial retirement system. Service credit granted under the judicial retirement system pursuant to RCW 2.10.220 shall not be transferred under this section. The director instead shall reverse the transfer of contributions and service credit previously made under RCW 2.10.220 and shall credit the member for such periods of service and contributions under this chapter as though no transfer had ever occurred.

(3) All employee contributions transferred pursuant to this section shall be treated the same as other employee contributions made under this chapter.

**NEW SECTION.** Sec. 19. It is the intent of sections 20 and 21 of this act to eliminate supplemental pension benefits for employees employed after the effective date of this act at institutions of higher education. The legislature also intends to permit certain retirement plan options for persons employed by institutions of higher education after the effective date of this act.

Sec. 20. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof:

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate:

(3) For persons who began employment before the effective date of this 1985 act, to pay to any such (retired) person upon retirement or to ((his)) the person's designated beneficiary(s), each year after ((his)) the person's retirement, a supplemental amount which, when added to the amount of such annuity or retirement income plan, or retirement income benefit pursuant to RCW 28B.10.415, received by ((him or his)) the person or the person's designated beneficiary(s) in such year, will not exceed fifty percent of the average annual salary paid to such retired person for ((his)) the person's highest two consecutive years of full time service under an annuity or retirement income plan established pursuant to subsection (1) of this section at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to ((his)) retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or ((his)) the person's designated beneficiary(s) shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of an institution of higher education who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the designated beneficiary(s) shall be entitled to receive the supplemental payment authorized by this subsection (3) of this section to which such designated beneficiary(s) would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option: PROVIDED FURTHER, That for the purpose of this subsection, the designated beneficiary(s) shall be (a) the surviving spouse of the retiree; or, (b) with the written consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education.

NEW SECTION. Sec. 21. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Employees employed after the effective date of this act eligible to participate under RCW 28B.10.400 through 28B.10.430 may, before the end of the calendar month following the date of employment, elect through written notification to the governing body of the employing institution:

(a) To participate under RCW 28B.10.400 through 28B.10.430 without the supplemental benefits; or

(b) To participate in the retirement plan under chapter 41.32 RCW if the person has been a member under chapter 41.32 RCW.

(2) An employee, otherwise eligible, failing to make an election under subsection (1) of this section shall be covered under chapter 41.40 RCW.

NEW SECTION. Sec. 22. The legislature finds that in the past public employees and teachers who had terminated employment, withdrawn their retirement contributions, and subsequently returned to public employment or teaching either did not receive proper notification of the procedure to reinstate their withdrawn contributions or they did not fully understand the limitation on such reinstatement. In 1973, the legislature recognized this fact and provided an extraordinary reinstatement period for such employees. Further in 1983, the legislature established clear notification procedures for the proper notification of the reinstatement policy for all such returning employees. Therefore, it is the intent of sections 23 through 25 of this act to provide one last opportunity for reinstatement of withdrawn contributions to those who may have not been properly informed or misunderstood the reinstatement procedure.

Sec. 23. Section 50, chapter 80, Laws of 1947 as last amended by section 1, chapter 233, Laws of 1983 and RCW 41.32.500 are each amended to read as follows:

(1) Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

(a) If he is eligible for retirement;

(b) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment:

(c) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved.

(2) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1985 act through June 30, 1986, to restore the contributions, with interest as determined by the director.

(3) 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.

Sec. 24. Section 16, chapter 274, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1983 and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except:

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1985 act through June 30, 1986, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

(6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of

service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed; AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

(7) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five(5); 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.

**NEW SECTION, Sec. 25.** (1) There is hereby appropriated for the biennium ending June 30, 1987, one hundred six thousand dollars from the retirement systems expense fund to the department of retirement systems to carry out the administrative purposes of sections 22 through 24 of this act.

(2) There is hereby appropriated for the biennium ending June 30, 1987, two million eight hundred thousand dollars from the general fund to the department of retirement systems for the increased contributions required of the state by sections 22 through 24 of this act. Of this amount, one million two hundred thousand dollars shall be deposited in the public employees' retirement fund and one million six hundred thousand dollars shall be deposited in the teachers' retirement fund.

**NEW SECTION, Sec. 26.** A new section is added to chapter 43.88 RCW to read as follows:

Each omnibus biennial operating appropriations act shall include an appropriation for the full amount that will be paid out during that biennium under any postretirement cost of living adjustment adopted after the effective date of this act.

**NEW SECTION, Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION, Sec. 28.** There is created a sixteen member joint committee on public retirement during the 1985 interim as follows:

(1) The president of the senate shall appoint eight members, with four members to be appointed from each caucus;

(2) The speaker of the house of representatives shall appoint eight members, with four members to be appointed from each caucus.

**NEW SECTION, Sec. 29.** A new section is added to chapter 43.43 RCW to read as follows:

Former members of the retirement system established under this chapter who are currently members of the retirement system established under the provisions of chapter 41.40 RCW are permitted to reestablish service credit with the system subject to the following:

(1) The former member must have separated and withdrawn contributions from the system prior to July 16, 1973, and not returned to membership since that date;

(2) The former member must have had at least five years of service credit at the time of separation; and

(3) The former member must make payment to the system of the contributions withdrawn with interest at the rate set by the director from the date of withdrawal to the date of repayment.

**NEW SECTION, Sec. 30.** A new section is added to chapter 41.40 RCW to read as follows:

Any active member of this system who was a member of the retirement system governed by chapter 43.43 RCW may transfer service credit from that system to this system as follows:

(1) The member must have separated from the system governed by chapter 43.43 RCW prior to July 16, 1973;

(2) The member must have the service credit to be transferred currently established in the system under chapter 43.43 RCW pursuant to section 29 of this act; and

(3) The member must have been employed by the department of licensing, or its predecessor agency, in a capacity related to drivers' license examining within thirty days after leaving commissioned status with the state patrol.

Upon receipt of any application for a transfer under this section, the department shall cause a transfer of the employee's funds from the state patrol retirement system to the retirement system under this chapter. Such service shall be credited as though earned in this system except that only one month's service shall be allowed for any one calendar month.

**NEW SECTION, Sec. 31.** A new section is added to chapter 41.40 RCW to read as follows:

Those currently employed members who were eligible to recover service earned prior to July 1, 1953, under a retirement system authorized pursuant to RCW 28B.10.400 through 28B.10.430, but who failed to do so, shall have until June 30, 1986, to pay the appropriate employee and employer contributions plus interest, as determined by the director of retirement systems, for such service which was not so recovered.

**NEW SECTION.** Sec. 32. 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 "systems;" strike the remainder of the title and insert "amending RCW 41.32.570, 41.40.200, 41.40.370, 44.44.040, 41.26.450, 41.32.401, 41.32.775, 41.40.330, 41.40.361, 41.40.370, 41.40.650, 41.26.140, 41.40.120, 2.10.040, 28B.10.400, 41.32.500, and 41.40.150; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.88 RCW; creating new sections; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 3717 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3717 and the House amendments thereon: Senators Warnke, McDonald and Bauer.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4241 with the following amendments:

On page 4, after line 19, insert the following:

"(5) (a) The state employees' insurance board may self-fund or self-insure programs under its jurisdiction, except property and casualty insurance authorized under subsection (4) of this section. The board may contract for payment of claims or other administrative services including the purchase of excess loss liability insurance for programs under its jurisdiction. If programs under the jurisdiction of the board do not require the prepayment of reserves the board shall establish that such reserves be maintained for the payment of claims as are normally required for that method of providing that type of insurance. Reserves established by the board shall be held in respective separate trust accounts of the state employees' insurance fund as established by RCW 41.05.040 by the state treasurer.

(b) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide conversion rights in accordance with RCW 48.21.260.

(c) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide coverage as required by RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.150, 48.21.155 and 48.21.180.

(d) Group disability coverage provided as a self-insured program of the state employees' insurance board shall conform with the requirements of RCW 48.21.200 (1) and (2).

(e) The state employees' insurance board shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions and affairs of any program created under this subsection (5).

(f) Members of the board shall be deemed to stand in a fiduciary relationship to the employees covered by any insurance program created under this subsection (5) and shall discharge the duties of their respective positions in good faith and with that diligence, care and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(g) The state employees' insurance board shall file an annual report of the financial condition, transactions and affairs of any program under the board's jurisdiction. The report shall also contain actuarial information regarding the adequacy of the reserves established for the

type of insurance being offered. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, and the office of the state auditor. The statement shall be signed by a member of the American Academy of Actuaries certifying that the actuarial amounts are computed in accordance with commonly accepted actuarial standards; and include all actuarial reserves and related statement items required for the sound operation of any employee benefits program.

Sec. 2. Section 4, chapter 39, Laws of 1970 ex. sess. as amended by section 3, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.040 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "state employees' insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends, reserves, and refunds, ~~((and))~~ for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board, and for payments authorized by RCW 41.05.025(5) and 41.05.030(2). Moneys from the state employees' insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee.

(2) The state treasurer and the state investment board may invest moneys in the state employees' insurance fund. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The state employees' insurance board shall determine whether the state treasurer or the state investment board or both shall invest moneys in the state employees' insurance fund. Except as provided for in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the state employees' insurance fund and the separate accounts which may be created under RCW 41.05.025.

Sec. 3. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 2, chapter 242, Laws of 1981 and RCW 43.84.090 are each amended to read as follows:

Except as provided in RCW 41.05.040, twenty percent of all income received from such investments shall be deposited in the state general fund."

Renumber the remaining section consecutively.

On page 5, after line 25, insert the following:

"NEW SECTION. Sec. 5. Sections 1(5), 2, and 3 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 2 of the title, strike "and amending RCW 41.05.025 and 48.46.180" and insert "amending RCW 41.05.025, 41.05.040, 43.84.090, and 48.46.180; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4241 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4241 and the House amendments thereon: Senators Wojahn, Sellar and McDermott.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4308 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The departments of social and health services and ecology were created in 1970. At that time, the legislature recognized that the protection of the natural environment and the protection of the public health were closely interrelated activities. The enabling statutes, RCW 43.21A.140 and 43.20A.140, directed each agency to consult with the other "in order that to the fullest extent possible, agencies concerned with the preservation of life and health, and agencies concerned with the protection of the environment may integrate their efforts and endorse policies in common."

Increasing awareness of incidents involving air, water, and land pollution resulting in health problems have caused citizens to be confused about the responsibility of the departments of ecology and social and health services.

Examples of areas in which both agencies have responsibilities include: Toxic and hazardous waste disposal; ground water contamination affecting drinking water; radioactive material handling and disposal; and pollution of Puget Sound resulting in shellfish area closures.

**NEW SECTION.** Sec. 2. A thorough assessment of the relationship of public health, environmental health and environmental protection in the state is commissioned. A team shall be formed to assess the relationship of public health, environmental health and environmental protection in the state and recommend needed changes. The team will also investigate the feasibility of consolidating duties and staff of the department of social and health services office of environmental health programs and the department of ecology. The team shall consist of the directors of the department of social and health services and ecology, the chairs of the senate parks and ecology and house of representatives environmental affairs committees, the chairs of the house of representatives social and health services committee and senate human services and corrections committee, and the chair of the state board of health or their designees. The team shall also consist of one local health official, one county commissioner/council member and one member of the environmental community. The three previously mentioned members will be chosen by their respective organizations. Provided adequate funding is available, the Washington state institute for public policy shall act as convener for the study. Involvement of the Washington state institute for public policy is contingent upon approval of the institute's executive board of directors. The institute shall provide limited staff, conduct necessary research required and produce needed documents including the final plan and recommendations. If the Washington state institute for public policy cannot fulfill its role as detailed in this act, the legislature shall act in the same manner. One staff member from the department of social and health services and one staff member from the department of ecology will provide necessary staff support to the team. Team members shall serve voluntarily. Travel expenses shall be paid by their respective organizations. Travel expenses of the local health official, county commissioner/council member and members of the environmental community shall be paid jointly by the departments of social and health services and ecology. The plan will be submitted to the legislature by October 1, 1986. The plan shall include:

(1) A comprehensive analysis of public health, environmental health and environmental protection in the state with emphasis on duplicate or overlapping responsibilities and the relationship of each to the other;

(2) An analysis of the impact of a potential consolidation on programs administered by local health agencies, including recommendations for improving state and local coordination;

(3) A comprehensive organizational assessment of the department of ecology and the reporting relationship of the office of environmental health programs within the agency, along with recommendations to ensure that public health is given appropriate emphasis; and

(4) A review of existing statutes pertaining to the department of social and health services and the state board of health. The plan shall identify appropriate revisions that may be needed to reflect any consolidation of responsibilities. During formulation of the plan, efforts shall be made to coordinate with activities of the joint select committee on public health studying general public health issues pursuant to section 3, chapter 243, Laws of 1984.

**NEW SECTION.** Sec. 3. The plan and recommended legislation shall be submitted to the legislature with recommendations for the feasibility of and necessary components required for any consolidation of responsibility that is recommended."

On page 1, line 2 of the title, after "ecology;" strike the remainder of the title and insert "and creating new sections."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4308 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House refused to concur in the the Senate amendment to SUBSTITUTE HOUSE BILL NO. 391 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Rinehart, the Senate refuses to recede from the Senate amendment to Substitute House Bill No. 391 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 391 and the Senate amendment thereon: Senators Rinehart, Zimmerman and Thompson.

## MOTION

On motion of Senator Vognil, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 10, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3367 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. "Part-time" services, for the purposes of this chapter, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions

other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition. An election campaign begins when the initial filing obligation in RCW 42.17.040 or 42.17.050 is incurred and ends when the final report for the campaign is filed.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "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.

(2) "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. 2. Section 3, chapter 1, Laws of 1973 as amended by section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030 are each amended to read as follows:

(1) The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for a federal elective office; and (c) for an office ~~((the constituency of which))~~ of a political subdivision of the state that does not encompass a whole county and ~~((which))~~ that contains ~~((less))~~ fewer than five thousand registered voters as of the date of the most recent general election in ~~((such district))~~ the subdivision.

(2) The exemption in subsection (1)(c) of this section does not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall prescribe by rule the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no fewer than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every candidate, political committee, or person making independent expenditures in election campaigns in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order of the commission is valid for any election occurring in the jurisdiction for a two-year period following its issuance.

(3) The exemption in subsection (1)(c) of this section does not apply in any jurisdiction that by ordinance, resolution, or other official action has petitioned the commission to void the exemption with respect to election campaigns in the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an order voiding the exemption for that jurisdiction. The commission, upon approval of the action, shall order every candidate, political committee, or person making independent expenditures in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order applies to all elections in the jurisdiction for two years after its issuance.

(4) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in subsection (1)(c) of this section shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(5) Any person exempted from reporting under this section may at his or her option file the statements and reports.

Sec. 3. Section 5, chapter 1, Laws of 1973 as amended by section 2, chapter 147, Laws of 1982 and RCW 42.17.050 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as campaign depository and the name of the account or accounts therein maintained.

(2) A candidate, a political committee, or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission and the appropriate county elections officer.

(3) A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) in addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

(4) (A) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

~~((4))~~ (5) No campaign treasurer, deputy campaign treasurer, or campaign depository may be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission and the appropriate county elections officer.

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 3, chapter 147, Laws of 1982 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission and the appropriate county elections officer is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), may not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

(5) A contribution of fifty dollars or more in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, campaign treasurer, or deputy campaign treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 5. Section 7, chapter 1, Laws of 1973 and RCW 42.17.070 are each amended to read as follows:

No expenditures ~~((shall))~~ may be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

No expenditure of fifty dollars or more may be made in currency unless a receipt, signed by the recipient and by the candidate or campaign treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 6. Section 10, chapter 1, Laws of 1973 as last amended by section 9, chapter 147, Laws of 1982 and RCW 42.17.100 are each amended to read as follows:

(1) ~~((a))~~ For the purposes of this ~~((subsection-(1)))~~ section the term "independent campaign expenditure" means any expenditure ~~((which))~~ that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

~~((b))~~ (2) Within five days after the date of making an independent campaign expenditure ~~((which))~~ that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for

which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made ~~((such))~~ the independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during ~~((such))~~ the campaign prior to and including such date.

~~((c))~~ (3) At the following intervals each person who is required to file an initial report pursuant to subsection ~~((b))~~ (2) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

~~((i))~~ (a) On the twenty-first day preceding the primary and the seventh day preceding the date on which the election is held; and

~~((ii))~~ (b) Within twenty-one days after the date of the election; and

~~((iii))~~ (c) On the tenth day of each month in which no other reports are required to be filed pursuant to this ~~(subsection (1) - PROVIDED, That such)~~ section. However, the further reports required by this subsection ~~((c))~~ (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph ~~((i))~~ (a) of this subsection ~~((c))~~ (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

~~((d))~~ (4) All reports filed pursuant to this ~~(subsection (1))~~ section shall be certified as correct by the reporting person.

~~((e))~~ (5) Each report required by subsections ~~((b))~~ (2) and ~~((c))~~ (3) of this ~~(subsection (1))~~ section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than five days prior to the date the report is due:

~~((i))~~ (a) The name and address of the person filing the report;

~~((ii))~~ (b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure ~~(- PROVIDED, That)~~. If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it ~~(shall be)~~ is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

~~((iii))~~ (c) The total sum of all independent campaign expenditures made during the campaign to date; and

~~((iv))~~ (d) Such other information as shall be required by the commission by ~~(regulation)~~ rule in conformance with the policies and purposes of this chapter.

~~((2))~~ (a) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution:

~~(b) The initial report shall be filed with the commission within five days after the date on which the aggregate contribution amount of one hundred dollars or more is reached, and each subsequent report shall be filed within five days after each subsequent contribution is made to the same such political committee.)~~

Sec. 7. Section 6, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to ~~(a candidate's)~~ the personal account of a candidate, or of a campaign treasurer or other individual or expended for ~~(a candidate's)~~ such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the ~~(candidate)~~ individual is not salaried, as an amount not to exceed income received by the ~~(candidate)~~ individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the ~~(candidate)~~ individual or the ~~(candidate's)~~ individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the ~~((candidate))~~ individual. To receive reimbursement from ~~((his))~~ the political committee, the ~~((candidate))~~ individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the ~~((candidate))~~ individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 8. Section 21, chapter 294, Laws of 1975 1st ex. sess. as amended by section 11, chapter 147, Laws of 1982 and RCW 42.17.155 are each amended to read as follows:

~~((†))~~ Each lobbyist shall at the time he registers submit to the commission a recent photograph of himself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words in length~~((:))~~. Such photograph and information ~~((to))~~ shall be published at least annually in a booklet form by the commission for distribution to legislators and the public.

~~((‡)) There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection (†) of this section. This fund shall be used for expenses of production and sale of such booklets and for no other purpose.))~~

Sec. 9. Section 17, chapter 1, Laws of 1973 as last amended by section 13, chapter 147, Laws of 1982 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 made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

- (i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;
- (ii) Any expenses incurred for his or her own living accommodations;
- (iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;
- (iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities to be contained in the monthly report from all such lobbyists as the commission shall by rule prescribe.

Sec. 10. Section 20, chapter 1, Laws of 1973 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, 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 ~~((all))~~ each person(s) contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed ~~((by each contributor));~~

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals ~~((which))~~ 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.

Sec. 11. Section 37, chapter 1, Laws of 1973 as last amended by section 7, chapter 34, Laws of 1984 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.04 RCW;

(2) Appoint and set, within the limits established by the committee on salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

~~((3))~~ (4) Make from time to time, on its own motion, audits and field investigations;

~~((4))~~ (5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

~~((5))~~ (6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records ~~((that the commission deems))~~ relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

~~((6))~~ (7) Adopt and promulgate a code of fair campaign practices;

~~((7))~~ (8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; ~~((and~~

~~((8))~~ (9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies(;;);

~~((9))~~ (10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a

particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(1) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.04 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985.

Sec. 12. Section 12, chapter 112, Laws of 1975-76 2nd ex. sess. as amended by section 16, chapter 147, Laws of 1982 and RCW 42.17.395 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act (chapter 34.04 RCW) to make such determination. Any order ~~((which))~~ that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. ~~((Such))~~ The order may require the respondent to cease and desist from the activity ~~((which))~~ that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1) (b), (c), (d), or (e); PROVIDED, That no individual penalty assessed by the commission may exceed ~~((two hundred fifty))~~ one thousand dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed two thousand five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397, as now or hereafter amended.

Sec. 13. Section 1, chapter 60, Laws of 1982 and RCW 42.17.405 are each amended to read as follows:

(1) ~~((During the period between March 26, 1982, and January 1, 1986))~~ Except as provided in subsections (2) and (3) of this section, the reporting provisions of this chapter ((are suspended as they pertain)) do not apply to candidates, elected officials, and agencies in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction((-The suspension also applies)), to political committees formed to support or oppose ballot propositions in such jurisdictions, ((and)) or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The ~~((suspension shall not))~~ reporting provisions of this chapter apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of five percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(3) The ~~((suspension shall not))~~ reporting provisions of this chapter apply in any jurisdiction which by ordinance, resolution, or other official action has petitioned the commission to ~~((void the suspension with respect))~~ make the provisions applicable to elected officials and candidates of the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an appropriate order ~~((voiding the suspension for that jurisdiction))~~. The commission, upon approval of the action, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(4) Any person exempted from reporting by ~~((the suspension under))~~ subsection (1) of this section may at his or her option file the statement and reports."

On page 1, line 1 of the title, after "law;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.030, 42.17.050, 42.17.060, 42.17.070, 42.17.100, 42.17.125, 42.17.155, 42.17.170, 42.17.200, 42.17.370, 42.17.395, and 42.17.405; and prescribing penalties."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 3367 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3367 and the House amendments thereon: Senators Talmadge, Pullen and Halsan.

#### MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 3207 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Bottiger moved that the Senate do grant the request of the House for a conference on Substitute Senate Bill No. 3207.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Bottiger, when you say, 'get into a conference,' don't you mean really free conference if you're going to draft a new section?"

Senator Bottiger: "Senator, there's a two-step process. You are correct, we will eventually want to go to free conference. Monday we will have the report on your desk."

The President declared the question before the Senate to be the motion by Senator Bottiger to grant the request of the House for a conference on Substitute Senate Bill No. 3207.

The motion by Senator Bottiger carried and the Senate granted the request of the House for a conference on Substitute Senate Bill No. 3207.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3207 and the House amendment thereon: Senators Granlund, Kiskaddon and Bottiger.

## MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

## MOTIONS

On motion of Senator Vognild, the rules were suspended and Senator Patterson was named to the Conference Committee on Substitute Senate Bill No. 3500, replacing Senator Guess who was appointed earlier today.

On motion of Senator Vognild, the Conference Committee appointment change on Substitute Senate Bill No. 3500 was confirmed.

## MOTION

At 3:30 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, April 22, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 22, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Guess, Lee, McManus and Wojahn. On motion of Senator Vognild, Senators Bauer, Bender, Fleming and McManus were excused. On motion of Senator von Reichbauer, Senators Cantu and Lee were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Van Niel and Mike Williams, presented the Colors. Reverend Judith Sherman, minister of the Unity Truth and Life Church of Bainbridge Island, and a guest of Senator Emilio Cantu, offered the prayer.

### MOTION

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

### MESSAGES FROM THE HOUSE

April 19, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 124,

HOUSE BILL NO. 168,

SUBSTITUTE HOUSE BILL NO. 204,

SUBSTITUTE HOUSE BILL NO. 493,

HOUSE BILL NO. 610,

HOUSE BILL NO. 787,

HOUSE JOINT RESOLUTION NO. 42, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 20, 1985

Mr. President:

The Speaker has appointed the following members as conferees on SUBSTITUTE SENATE BILL NO. 3207: Representatives Brekke, Day and Walker.

### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 124,

HOUSE BILL NO. 168,

SUBSTITUTE HOUSE BILL NO. 204,

SUBSTITUTE HOUSE BILL NO. 493,

HOUSE BILL NO. 610,

HOUSE BILL NO. 787,

HOUSE JOINT RESOLUTION NO. 42.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 3027,  
 SENATE BILL NO. 3236,  
 SENATE BILL NO. 3427,  
 SENATE BILL NO. 3612,  
 SENATE BILL NO. 3625,  
 SENATE BILL NO. 4115,  
 SENATE BILL NO. 4288,  
 SENATE JOINT MEMORIAL NO. 102,  
 SENATE JOINT MEMORIAL NO. 119.

## MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3249 with the following amendment:

On page 1, line 18, after "guard" insert "or reserves",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 3249.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3249, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3249, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent, 7; excused, 6.

Voting yea: Senators Bailey, Benitz, Bottiger, Conner, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 36.

Absent: Senators Barr, Bluechel, Craswell, Deccio, DeJarnatt, Guess, Wojahn - 7.

Excused: Senators Bauer, Bender, Cantu, Fleming, Lee, McManus - 6.

SUBSTITUTE SENATE BILL NO. 3249, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3951 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A feasibility study shall be conducted under the direction of the Skagit county council of governments of the reuse of the facilities at Northern State Hospital. The study shall be completed by June 30, 1986, and shall include but not be limited to:

- (1) The establishment of a service center for the neurologically impaired; and
- (2) The utilization of eight hundred acres for a fairground and location of an agricultural technical center in northwestern Washington.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of community development to be allocated to the Skagit county council of governments for the biennium ending June 30, 1985, the sum of ten thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act: PROVIDED, That the appropriation shall not be spent unless the Skagit county council of governments provides at least ten thousand dollars in matching funds.

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

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Substitute Senate Bill No. 3951.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3951, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3951, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Bluëchel, Bottiger, Conner, Craswell, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Benitz, Hayner, McDonald - 3.

Absent: Senators Deccio, DeJarnatt, Guess - 3.

Excused: Senators Bauer, Cantu, Fleming, Lee - 4.

SUBSTITUTE SENATE BILL NO. 3951, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3386 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 155, Laws of 1983 and RCW 42.30.020 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective ~~((decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a))~~ positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 3, chapter 155, Laws of 1983 and RCW 42.30.110 are each amended to read as follows:

(1) Nothing contained in this chapter ~~((shall))~~ may be construed to prevent a governing body from holding an executive session~~((s))~~ during a regular or special meeting;

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase(;;) when ((publicity)) public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the ((disposition of)) minimum price at which real estate ((by lease or)) will be offered for sale(;;) or lease when ((publicity)) public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To ((consider)) review negotiations on the performance of publicly-bid contracts when ((publicity)) public knowledge regarding such consideration would cause a likelihood of increased costs; ((to consider the appointment, employment, or dismissal of a public officer or employee. PROVIDED: That interviewing of proposed appointees to elective office by a governing body shall not be conducted in executive session; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body; if executive sessions are held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price.))

(e) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(f) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(g) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(h) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

In line 2 of the title, after "RCW" insert "42.30.020 and".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3386.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3386, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3386, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Boltiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlind, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Bluechel, Deccio, McManus - 3.

Excused: Senators Bauer, Cantu, Guess, Lee - 4.

SUBSTITUTE SENATE BILL NO. 3386, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3854 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1984 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

(1) Except as provided in subsections (2) and (3) of this section and section 2 of this 1985 act, a registered voter desiring to cast an absentee ballot must apply in writing to his or her county auditor no earlier than forty-five days nor later than the day ((prior to)) before any election or primary ((PROVIDED, That)).

(2) An application honored for a primary ballot shall also be honored as an application for a ballot for the following general election if the voter so indicates on his or her application ((PROVIDED FURTHER, That)).

(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

(4) Such applications must contain the voter's signature and may be made in person ((or)), by mail, or messenger ((PROVIDED, That no)). An application for an absentee ballot shall not be approved unless the voter's signature upon the application compares favorably with the voter's signature upon his ((permanent)) or her registration record.

NEW SECTION. Sec. 2. A new section is added to chapter 29.36 RCW to read as follows:

Any disabled voter or any voter over the age of sixty-five may apply, in writing, for status as an ongoing absentee voter. Each such voter shall be granted that status by his or her county auditor and shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate application for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record;
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) January 1st of each odd-numbered year.

A disabled voter is defined as a voter qualifying for special parking privileges under RCW 46.16.381(1).

NEW SECTION. Sec. 3. A new section is added to chapter 29.36 RCW to read as follows:

As soon as practical following the first day of January of each odd-numbered year, the county auditor shall notify each ongoing absentee voter of the termination of his or her status as such a voter under section 2(5) of this act. Included with this notice shall be a postage pre-paid return form permitting any such voter to renew his or her status as an ongoing absentee voter. Upon receipt and signature verification of the renewal form, the county auditor shall continue to provide absentee ballots to such voters, subject to the provisions of section 2 of this act."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3854.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3854, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3854, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 3; excused, 4.

Voting yeas: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kridler, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen,

Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Newhouse - 2.

Absent: Senators Deccio, McCaslin, McDonald - 3.

Excused: Senators Bauer, Cantu, Guess, Lee - 4.

ENGROSSED SENATE BILL NO. 3854, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4185 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 17, Laws of 1972 ex. sess. as amended by section 2, chapter 63, Laws of 1973 and RCW 28B.10.265 are each amended to read as follows:

Children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public institution of higher education within the state without the necessity of paying any tuition (~~(-operating fees;)~~) and service and activities' fees for any and all courses offered at any time including summer term whether attending on a part time or full time basis: PROVIDED, That such child shall meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

Sec. 2. Section 1, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.010 are each amended to read as follows:

The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of sixty million dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington (~~(general tuition fee)~~) building revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University (~~(general tuition fee)~~) building revenue bonds and (~~(general tuition fee)~~) building and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College (~~(general tuition fee)~~) building revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

Sec. 3. Section 8, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.080 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding University of Washington (~~(general tuition fee)~~) building revenue bonds payable from the University of Washington bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said University of Washington bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.20.725, 28B.20.800 or any other statute pertaining to said bonds or any covenant of the University of Washington board of regents pertaining to said bonds;

(2) The board of regents of the University of Washington shall, from moneys thereafter paid into the University of Washington bond retirement fund pursuant to the provisions of chapter 28B.20 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said University

of Washington bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.20 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the University of Washington bond retirement fund pursuant to covenants in the said University of Washington bonds.

(4) Anything to the contrary contained in RCW 28B.20.725 notwithstanding, the board of regents of the University of Washington is empowered to authorize the transfer from time to time to the University of Washington building account any moneys in the University of Washington bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section.

Sec. 4. Section 9, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.090 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Washington State University (~~(general tuition fee)~~) building revenue bonds and (~~(general tuition fee)~~) building and scientific fund revenue bonds payable from the Washington State University bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Washington State University bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.30.740, 28B.30.750 or any other statute pertaining to said bonds or any covenant of Washington State University board of regents pertaining to said bonds:

(2) The board of regents of Washington State University shall, from moneys thereafter paid into the Washington State University bond retirement fund pursuant to the provisions of chapter 28B.30 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said Washington State University bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.30 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Washington State University bond retirement fund pursuant to covenants in the said Washington State University bonds.

(4) Anything to the contrary contained in RCW 28B.30.750 notwithstanding, the board of regents of Washington State University is empowered to authorize the transfer from time to time to the Washington State University building account any moneys in the Washington State University bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section.

Sec. 5. Section 10, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.100 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Western Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds payable from the Western Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Western Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Western Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all (~~(general tuition)~~) building fees and all normal school fund revenues received by Western Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Western Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount

required to effect the refunding, which have been accumulated theretofore in the Western Washington State College bond retirement fund pursuant to covenants in the said Western Washington State College bonds.

Sec. 6. Section 11, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.110 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Eastern Washington State College ~~((general tuition fee))~~ building and normal school fund revenue bonds payable from the Eastern Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Eastern Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Eastern Washington State College pertaining to said bonds:

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all ~~((general tuition))~~ building fees and all normal school fund revenues received by Eastern Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Eastern Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Eastern Washington State College bond retirement fund pursuant to covenants in the said Eastern Washington State College bonds.

Sec. 7. Section 12, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.120 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Central Washington State College ~~((general tuition fee))~~ building and normal school fund revenue bonds payable from the Central Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Central Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Central Washington State College pertaining to said bonds:

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all ~~((general tuition))~~ building fees and all normal school fund revenues received by Central Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Central Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Central Washington State College bond retirement fund pursuant to covenants in the said Central Washington State College bonds.

Sec. 8. Section 13, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.130 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Evergreen State College ~~((general tuition fee))~~ building revenue bonds payable from the Evergreen State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Evergreen State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of The Evergreen State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all ~~((general tuition))~~ building fees and all normal school fund revenues received by The Evergreen State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Evergreen State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Evergreen State College bond retirement fund pursuant to covenants in the said Evergreen State College bonds.

Sec. 9. Section 10, chapter 253, Laws of 1979 ex. sess. and RCW 28B.14D.900 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.210, 28B.15.310, 28B.15.401, 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, 28B.35.700 through 28B.35.790, or 28B.40.700 through 28B.40.790, nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education hereafter taken in the issuance of its revenue bonds secured by a pledge of its ~~((general tuition))~~ building fees and/or other revenues mentioned within such statutes. The obligation of the board to make the transfers provided for in RCW 28B.14D.070 and in RCW 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2), 28B.14C.110(2), 28B.14C.120(2), and 28B.14C.130(2) shall be subject and subordinate to the lien and charge of any revenue bonds hereafter issued, on the ~~((general tuition))~~ building fees and/or other revenues pledged to secure such bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

Sec. 10. Section 9, chapter 233, Laws of 1981 as amended by section 14, chapter 48, Laws of 1982 1st ex. sess. and RCW 28B.14G.900 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.210, 28B.15.310, 28B.15.402, 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, or 28B.35.700 through 28B.35.790, nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education hereafter taken in the issuance of its revenue bonds secured by a pledge of its ~~((general tuition))~~ building fees and/or other revenues mentioned within such statutes. The obligation of the board to make the transfers provided for in RCW 28B.14G.060, chapters 28B.14C and 28B.14D RCW, and RCW 28B.20.757 shall be subject and subordinate to the lien and charge of any revenue bonds hereafter issued against ~~((general tuition))~~ building fees and/or other revenues pledged to pay and secure such bonds, and on the moneys in the building account, capital project account, the individual institutions of higher education bond retirement funds and the University of Washington hospital local fund.

Sec. 11. Section 28B.15.020, chapter 223, Laws of 1969 ex. sess. as amended by section 34, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.020 are each amended to read as follows:

The term ~~"((general)) tuition fees"~~ as used in this chapter shall mean the ~~((general tuition))~~ fees charged students registering at the state's ~~((regional)) colleges and universities~~ ~~(--The Evergreen State College, and the state universities for quarters or semesters other than the summer session, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370 as now or hereafter amended)~~ which consist of:

(1) The "building fees" as defined in section 12 of this 1985 act; and

(2) The "operating fees" as defined in RCW 28B.15.031.

NEW SECTION, Sec. 12. A new section is added to chapter 28B.15 RCW to read as follows:

The term "building fees" means the fees charged students registering at the state's colleges and universities, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370. The term "building fees" is a renaming of the "general tuition fee," and shall not be construed to affect otherwise moneys pledged to, or used for bond retirement purposes.

Sec. 13. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than ~~((general tuition))~~ **building fees**, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.820.

Sec. 14. Section 35, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.041 are each amended to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than ~~((general))~~ **tuition ((and operating))** fees, charged to all students registering at the state's community colleges, regional universities, The Evergreen State College, and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, The Evergreen State College, the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees, or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 as now or hereafter amended, shall be included within and deemed to be services and activities fees.

Sec. 15. Section 2, chapter 257, Laws of 1981 as amended by section 15, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.067 are each amended to read as follows:

~~((General))~~ **Tuition ((and operating))** fees shall be established and adjusted biennially under the provisions of this chapter beginning with the 1983-84 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. ~~((The general))~~ **Tuition ((and operating))** fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts herein prescribed.

Sec. 16. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070 are each amended to read as follows:

The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education no later than December 1981, and at each two year interval thereafter, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which ~~((general))~~ **tuition ((and operating))** fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the council shall be deemed to be approved.

Sec. 17. Section 4, chapter 257, Laws of 1981 as amended by section 17, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.076 are each amended to read as follows:

The council for postsecondary education shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. ~~((General))~~ **Tuition fees ((and operating fees))** shall be based on such costs in accordance with the provisions of this chapter.

Sec. 18. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such ~~((general))~~ **tuition fees((-operating fees;)) and services and activities fees, and other fees as such board shall in its**

discretion determine, the total of all such fees, the ((general)) tuition fee, ((operating fee)) and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such ((general)) tuition fees ((and operating fees)) for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged ((general)) tuition((-operating)) and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged ((general)) tuition((-operating)) and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the council for post-secondary education that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states ((or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis)).

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour ((general)) tuition ((and operating)) fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 19, Section 6, chapter 257, Laws of 1981 as amended by section 18, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.202 are each amended to read as follows:

((General)) Tuition fees((-operating fees)) and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows: ((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be nine hundred and twenty-one dollars, and for the 1982-83 academic year shall be one thousand and thirty-eight dollars, and thereafter such fees)) shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be one thousand one hundred and one dollars, and for the 1982-83 academic year shall be one thousand five hundred and sixty-three dollars, and thereafter such fees)) shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be one thousand seven hundred and ninety-one dollars, and for the 1982-83 academic year shall be two thousand six hundred and seven dollars, and thereafter such fees)) shall be one hundred sixty-seven percent of such fees charged in subsection (2) above: PROVIDED, That the ((general tuition)) building fees for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be two thousand nine hundred and ten dollars, and for the 1982-83 academic year shall be three thousand one hundred and seventeen dollars, and thereafter such fees)) shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be three thousand four hundred and fifty-two dollars, and for the 1982-83 academic year))~~ shall be four thousand and seventy-four dollars, and thereafter such fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be five thousand five hundred and ninety-two dollars, and for the 1982-83 academic year shall be six thousand eight hundred and four dollars, and thereafter such fees))~~ shall be one hundred sixty-seven percent of such fees charged in subsection (5) above: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be five hundred and fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition ~~((and operating))~~ fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 20. Section 28B.15.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.210 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all ~~((general tuition))~~ building fees at the University of Washington, including ~~((general tuition))~~ building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half ~~((of the general tuition fees))~~ or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5).

Sec. 21. Section 28B.15.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.220 are each amended to read as follows:

All fees except ~~((general tuition))~~ building fees shall be held by the board of regents as a revolving fund and expended for the purposes for which collected and be accounted for in accordance with law: PROVIDED, That the board of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use of facilities of any dormitory, hospital, or infirmary building, and the board of regents shall have authority to pledge any or all such fees for the retirement of any bonds that may be issued for the construction of such dormitory, hospital, or infirmary building.

Sec. 22. Section 28B.15.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.310 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all ~~((such general tuition))~~ building fees shall be paid into the state treasury and credited to the Washington State University bond retirement fund, one-half ~~((of such general tuition fees))~~ or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on ~~((tuition fee))~~ building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 23. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1979 and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of ~~((general))~~ tuition fees ~~((and operating fees))~~ or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 24. Section 7, chapter 257, Laws of 1981 as amended by section 19, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.402 are each amended to read as follows:

~~((General))~~ Tuition fees ~~((and operating fees))~~ and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows: ~~((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))~~

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be six hundred eighty-two dollars and fifty cents, and for the 1982-83 academic year shall be seven hundred fifty-seven dollars and fifty cents, and thereafter such fees))~~ shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be eight hundred eleven dollars and fifty cents, and for the 1982-83 academic year shall be one thousand one hundred thirty-five dollars and fifty cents, and thereafter such fees))~~ shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year thereafter shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be two thousand seven hundred twenty-five dollars and fifty cents, and for the 1982-83 academic year shall be three thousand twenty-five dollars and fifty cents, and thereafter such fees))~~ shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of ~~((general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be three thousand two hundred fifty dollars and fifty cents, and for the 1982-83 academic year shall be three thousand six hundred ninety-seven dollars and fifty cents, and thereafter such fees))~~ shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition ~~((and operating))~~ fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 25. Section 8, chapter 257, Laws of 1981 as amended by section 10, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.502 are each amended to read as follows:

~~((General))~~ Tuition fees ~~((and operating fees))~~ and services and activities fees at each community college other than at summer quarters shall be as follows: ~~((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))~~

(1) For full time resident students, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be four hundred six dollars and fifty cents, and for the 1982-83 academic year shall be four hundred fifty four dollars and fifty cents, and thereafter such fees))~~ shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981-82 academic year shall be one thousand seven hundred sixty five dollars and fifty cents, and for the 1982-83 academic year shall be one thousand nine hundred seventy two dollars and fifty cents, and thereafter such fees))~~ shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition ~~((and operating))~~ fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) ~~((General))~~ Tuition~~((operating fees))~~ and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Sec. 26. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 8, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended boards of trustees of the various community colleges shall waive ~~((general))~~ tuition fees~~((operating fees))~~ and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and the various community college boards may waive the ~~((general))~~ tuition~~((operating))~~ and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 27. Section 2, chapter 50, Laws of 1984 and RCW 28B.15.522 are each amended to read as follows:

(1) The boards of trustees of the community college districts may waive the tuition~~((operating))~~ and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons 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 persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

(b) Is twenty-one years of age or older;

(c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;

(d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and

(e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community college education shall adopt rules to carry out this section.

Sec. 28. Section 2, chapter 82, Laws of 1979 as amended by section 1, chapter 220, Laws of 1983 and RCW 28B.15.535 are each amended to read as follows:

(1) The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College, and community colleges may waive the tuition(~~(-operating);~~) and services and activities fees for full-time employees of their respective institutions of higher education enrolled in said institutions' courses on a space available basis pursuant to the following conditions:

(a) Employees shall register for and be enrolled in courses on a space available basis, and no new course sections shall be created as a direct result of such registration;

(b) Enrollment information on employees registered on a space available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations;

(c) Employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) The governing boards of the respective colleges and universities may waive tuition(~~(-operating);~~) and services and activities fees for full-time intercollegiate center for nursing education, cooperative extension service, and agricultural research employees of Washington State University for such employees stationed off the Pullman, Whitman county campus: PROVIDED, That such waiver complies with the conditions spelled out in subsection (1)(a), (b), and (c) above.

(3) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education with respect to community colleges, shall adopt guidelines for the implementation of employee waivers granted pursuant to this section.

Sec. 29. Section 2, chapter 157, Laws of 1975 1st ex. sess. and RCW 28B.15.540 are each amended to read as follows:

Notwithstanding any other provision of this chapter or the laws of this state and consistent with the regulations and procedures established by the boards of trustees of the state colleges, the boards of regents of the state universities and the state board for community college education each institution may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition(~~(-operating);~~) and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive the tuition(~~(-operating);~~) and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for not more than two quarter or semester courses at one time on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases: PROVIDED FURTHER, That enrollment information concerning fee exemptions awarded under this section shall be maintained separately from other enrollment information but shall not be included in official enrollment reports: PROVIDED, That persons who enroll pursuant to provisions of this section shall not be considered for any purpose in determining student-teacher ratio, nor for any purpose relating to enrollment totals, nor any other statistic which would affect budgetary determinations. Persons enrolling under the provisions of this section shall have, in equal with all other students, access to course counseling services and shall be subject to all course prerequisite requirements.

Sec. 30. Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition(~~(-operating);~~) and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The council for postsecondary education shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

Sec. 31. Section 6, chapter 267, Laws of 1984 and RCW 28B.15.545 are each amended to read as follows:

The boards of regents and trustees of the state universities, regional universities, The Evergreen State College, and the community colleges shall waive tuition(~~(-operating);~~) and services and activities fees for a maximum of one academic year for recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award.

Sec. 32. Section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 256, Laws of 1983 and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the regional universities and The Evergreen State College and community colleges may refund or cancel in full the ((general)) tuition((-operating:)) and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which said fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. The regents or trustees of the respective universities and colleges may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester. Said boards of regents and trustees may extend the refund or cancellation period for students who withdraw for medical reasons or who are called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Sec. 33. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 9, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition((-operating:)) and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition((-operating:)) and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs.

Sec. 34. Section 15, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.800 are each amended to read as follows:

Notwithstanding any other section of this 1977 amendatory act, the boards of regents and trustees of the respective institutions of higher education shall set aside from ((general)) tuition and fees charged in each schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied.

Sec. 35. Section 9, chapter 257, Laws of 1981 as last amended by section 1, chapter 64, Laws of 1983 1st ex. sess. and RCW 28B.15.820 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition((-operating:)) and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students except as provided for in subsection (10) of this section.

(2) An "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et((:)) seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not

violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community college education and shall be conducted under procedures adopted by such state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(7) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term interim loans, not to exceed one hundred twenty days, may be made from the institutional long-term loan fund to students eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan.

(10) Any moneys deposited in the institutional long-term loan fund which are not used in making long or short term loans or transferred to institutional operating budgets may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee waiver programs. These funds shall be used in addition to and not to replace institutional funds which would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study.

Sec. 36. Section 28B.20.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.700 are each amended to read as follows:

The board of regents of the University of Washington is empowered, in accordance with the provisions of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of ~~((general tuition))~~ building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Sec. 37. Section 28B.20.705, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.705 are each amended to read as follows:

The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of the University of Washington.

(2) The words "~~((general tuition))~~ building fees" mean the ~~((general tuition))~~ building fees charged students registering at the university.

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

**NEW SECTION.** Sec. 38. Section 28B.20.715, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.715 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

- (a) An obligation, either general or special, of the state; or
- (b) A general obligation of the University of Washington or of the board;
- (2) Shall be
  - (a) Either registered or in coupon form; and
  - (b) Issued in denominations of not less than one hundred dollars; and
  - (c) Fully negotiable instruments under the laws of this state; and
  - (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

- (3) Shall state
  - (a) The date of issue; and
  - (b) The series of the issue and be consecutively numbered within the series; and
  - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the ((general tuition)) building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

Sec. 39. Section 28B.20.720, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.720 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the University of Washington bond retirement fund, the following:

(1) One-half of such ((general tuition)) building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter;

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect ((general tuition)) building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 40. Section 28B.20.735, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.735 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment derived from the ~~((general tuition))~~ building fees as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 41. Section 28B.30.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.700 are each amended to read as follows:

The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of ~~((general tuition))~~ building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Sec. 42. Section 28B.30.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.710 are each amended to read as follows:

The following terms, whenever used or referred to in RCW 28B.30.700 through 28B.30.780, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of Washington State University.

(2) The words ~~((general tuition))~~ building fees" mean the ~~((general tuition))~~ building fees charged students registering at the university, but shall not mean special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the university, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement fund" mean the special fund created by RCW 28B.30.700 through 28B.30.780, to be known as the Washington State University bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 43. Section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 25, Laws of 1972 ex. sess. and RCW 28B.30.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions,

covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the ~~((general tuition))~~ building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 44. Section 28B.30.740, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.740 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury, the following:

(1) One-half of such ~~((general tuition))~~ building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remain unpaid, be available solely for the payment thereof except as provided in subdivision (5) of RCW 28B.30.750. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect ~~((general tuition))~~ building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 45. Section 10, chapter 344, Laws of 1977 ex. sess. and RCW 28B.31.100 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.310 or 28B.30.700 through 28B.30.780, nor any provision or covenant of the proceedings of the board of regents of Washington State University heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its ~~((general tuition))~~ building fees and/or other revenues pursuant to such statutes. The obligation of the board of regents of Washington State University to make the transfers provided for in RCW 28B.31.070 shall be subject and subordinate to the lien and charge of such revenue bonds, and any revenue bonds hereafter issued, on such ~~((general tuition))~~ building fees and/or other revenues pledged to secure such bonds, and on the moneys in the Washington State University building account and the Washington State University bond retirement fund.

Sec. 46. Section 59, chapter 169, Laws of 1977 ex. sess. as amended by section 12, chapter 322, Laws of 1977 ex. sess. and RCW 28B.35.361 are each amended to read as follows:

The boards of trustees of each regional university may exempt from the payment of ~~((general tuition))~~ tuition~~((-operating fees))~~ or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in the regional universities on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 47. Section 28B.40.370, chapter 223, Laws of 1969 ex. sess. as amended by section 79, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.370 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all (~~general tuition~~) building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its (~~general tuition~~) building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all (~~general tuition~~) building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University bond retirement fund, the Central Washington University bond retirement fund, the Western Washington University bond retirement fund, or The Evergreen State College bond retirement fund respectively, which funds are hereby created in the state treasury, such funds for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the (~~tuition fee~~) building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding (~~general tuition fee~~) building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All (~~general tuition~~) building fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of (~~general tuition fee~~) building or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury(~~(f)~~), such funds for the regional universities being redesignations for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

Sec. 48. Section 28B.40.700, chapter 223, Laws of 1969 ex. sess. as amended by section 82, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.700 are each amended to read as follows:

The boards of trustees of the regional universities and of The Evergreen State College are empowered in accordance with the provisions of RCW 28B.35.700 through 28B.35.790, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned universities and The Evergreen State College and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of (~~general tuition~~) building fees, gifts, bequests or grants and such additional funds as the legislature may provide.

Sec. 49. Section 28B.40.710, chapter 223, Laws of 1969 ex. sess. as amended by section 83, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.710 are each amended to read as follows:

The following terms, whenever used or referred to in RCW 28B.35.700 through 28B.35.790, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "boards" means the boards of trustees of the regional universities and The Evergreen State College.

(2) The words "~~(general tuition)~~ building fees" mean the (~~general tuition~~) building fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington University bond retirement fund, Central Washington University bond retirement fund, Western Washington University bond retirement fund, and The Evergreen State College bond retirement fund, all as referred to in RCW 28B.35.370.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 50. Section 28B.40.720, chapter 223, Laws of 1969 ex. sess. as amended by section 84, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.720 are each amended to read as follows:

In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university or college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the ~~((general tuition))~~ building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Sec. 51. Section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the university or college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university or college by the chairman of the board, attested by the secretary of the board, have the seal of the university or college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.35.700 through 28B.35.790, as now or hereafter amended, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the ~~((general tuition))~~ building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the university or college issuing the bonds to the bond retirement fund of such university or college when ordered by the board of trustees in the event there is ever an insufficient amount

of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them:

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the university or college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 52. Section 28B.40.750, chapter 223, Laws of 1969 ex. sess. as amended by section 86, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.750 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the respective bond retirement fund of each university or college issuing bonds, the following:

(1) Amounts derived from (~~(general tuition)~~) building fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund.

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect (~~(general tuition)~~) building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 53. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 11, chapter 322, Laws of 1977 ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The board of trustees of The Evergreen State College may exempt from the payment of (~~(general) tuition~~)(~~(-operating fees)~~) or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 54. Section 18, chapter 15, Laws of 1970 ex. sess. as amended by section 18, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the (~~(general tuition)~~) building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400.

Sec. 55. Section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) an obligation, either general or special, of the state; or

(b) a general obligation of the college or of the college board;

(2) Shall be

(a) either registered or in coupon form; and

(b) issued in denominations of not less than one hundred dollars; and

(c) fully negotiable instruments under the laws of this state; and

(d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) the date of issue; and

(b) the series of the issue and be consecutively numbered within the series; and

(c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against ~~((all general tuition))~~ the building fees of the community colleges.

Sec. 56. Section 20, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter all ~~((general tuition))~~ building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of ~~((general tuition))~~ building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the ~~((tuition fee))~~ building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding ~~((general tuition fee))~~ building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the ~~((general tuition))~~ building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements,

improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding ~~((tuition-fee))~~ building bonds of the college board payable from the community college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all ~~((general-tuition))~~ building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college ~~((tuition-fee))~~ building bonds from some source other than the community college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

Sec. 57. Section 28B.50.370, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.370 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from ~~((general-tuition))~~ building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect ~~((general-tuition))~~ building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 58. Section 1, chapter 223, Laws of 1977 ex. sess. and RCW 28B.50.401 are each amended to read as follows:

The state finance committee has heretofore refunded, pursuant to RCW 28B.50.403 through 28B.50.407, all of the outstanding ~~((general-tuition-fee))~~ building bonds of the community college board payable from the community college bond retirement fund. By reason of such refunding said ~~((tuition-fee))~~ bonds are no longer deemed to be outstanding and moneys presently on deposit in said bond retirement fund are no longer needed to pay and secure the payment of such refunded ~~((tuition-fee))~~ bonds.

Sec. 59. Section 1, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.403 are each amended to read as follows:

The state of Washington is hereby authorized to issue state general obligation bonds for the purpose of refunding any outstanding ~~((general-tuition-fee))~~ building, limited obligation bonds of the college board issued pursuant to this chapter in an amount not exceeding 1.05 times the amount which, taking into account amounts to be earned from the investment of the proceeds of the issue, is required to pay the principal thereof, interest thereon, any premium payable with respect thereto, and the costs incurred in accomplishing such refunding: PROVIDED, That any proceeds of the refunding bonds in excess of those required to accomplish such refunding, or any obligations acquired with such excess proceeds, shall be applied exclusively for the payment of principal, interest, or call premiums with respect to such refunding obligations. In no event shall the amount of such refunding bonds authorized in this section exceed seventy-five million dollars.

Sec. 60. Section 2, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.404 are each amended to read as follows:

Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403 through 28B.50.407, such general obligation refunding bonds shall be issued and the refunding of said community college ~~((tuition-fee))~~ building bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

Sec. 61. Section 1, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.010 are each amended to read as follows:

The legislature has previously approved by its appropriation of funds from time to time, certain capital projects for the state community colleges, which appropriations were to be funded primarily by the issuance of (~~general tuition fee~~) building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of (~~general tuition fee~~) building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights of way, easements, improvements or appurtenances in relation thereto.

Sec. 62. Section 10, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.100 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected (~~general tuition~~) building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.57.080, during the life of the bonds proposed to be issued.

Sec. 63. Section 8, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.080 are each amended to read as follows:

On or before June 30 of each year, the college board shall accumulate in the community college capital projects account from (~~general tuition~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of (~~general tuition~~) building fees from the community college capital projects account for deposit into the state general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding (~~general tuition fee~~) building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1 of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 64. Section 1, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.010 are each amended to read as follows:

The legislature has approved by its appropriation of funds from time to time, capital projects for the state community colleges, which appropriations have been funded primarily by the issuance of (~~general tuition fee~~) building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of (~~general tuition fee~~) building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto. It is the intent of the legislature that in any decision to contract for capital projects funded as the result of this chapter, full and fair consideration shall be given to minority contractors.

Sec. 65. Section 7, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from (~~general tuition~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of (~~general tuition~~) building fees from the community college capital projects account for deposit into the general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding (~~general tuition fee~~) building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1st of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 66. Section 9, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.090 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected ~~((general tuition))~~ building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.58.070, during the life of the bonds proposed to be issued.

Sec. 67. Section 1, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.010 are each amended to read as follows:

The legislature has approved by its appropriation of funds from time to time, capital projects for the state community colleges, which appropriations have been funded primarily by the issuance of ~~((general tuition fee))~~ building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of ~~((general tuition fee))~~ building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto.

Sec. 68. Section 7, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from ~~((general tuition))~~ building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of ~~((general tuition))~~ building fees from the community college capital projects account for deposit into the general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding ~~((general tuition fee))~~ building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1st of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 69. Section 9, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.090 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected ~~((general tuition))~~ building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.59.070, during the life of the bonds proposed to be issued.

Sec. 70. Section 7, chapter 346, Laws of 1977 ex. sess. and RCW 28B.59B.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from ~~((general tuition))~~ building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund.

Sec. 71. Section 7, chapter 226, Laws of 1979 ex. sess. and RCW 28B.59C.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from ~~((general tuition))~~ building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under this chapter. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw the sum from the community college capital projects account and deposit the sum in the state general fund.

Sec. 72. Section 6, chapter 237, Laws of 1981 and RCW 28B.59D.060 are each amended to read as follows:

(1) On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from ~~((general tuition))~~ building fees and other moneys deposited therein, to the extent the fees and moneys are available, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and

interest on the bonds issued under RCW 28B.59D.010 through 28B.59D.070. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw this amount, to the extent available, from the community college capital projects account and deposit it in the state general fund.

(2) The state treasurer shall make withdrawals from the community college capital projects account for deposit in the general fund of amounts equal to debt service payments on state general obligation bonds issued for community college purposes pursuant to Title 28B RCW only to the extent that funds are or become actually available in the account from time to time. Any unpaid debt service payments shall be a continuing obligation against the community college capital projects account until paid. Beginning with the 1979-1981 biennium, the state board for community college education need not accumulate any specific amount in the community college capital projects account for purposes of these withdrawals by the state treasurer."

On page 1, on line 1, after "fees;" strike the remainder of the title and insert "amending RCW 28B.10.265, 28B.14C.010, 28B.14C.080, 28B.14C.090, 28B.14C.100, 28B.14C.110, 28B.14C.120, 28B.14C.130, 28B.14D.900, 28B.14G.900, 28B.15.020, 28B.15.031, 28B.15.041, 28B.15.067, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.202, 28B.15.210, 28B.15.220, 28B.15.310, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.520, 28B.15.522, 28B.15.535, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.600, 28B.15.740, 28B.15.800, 28B.15.820, 28B.20.700, 28B.20.705, 28B.20.715, 28B.20.720, 28B.20.735, 28B.30.700, 28B.30.710, 28B.30.730, 28B.30.740, 28B.31.100, 28B.35.361, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.720, 28B.35.730, 28B.35.750, 28B.40.361, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.401, 28B.50.403, 28B.50.404, 28B.57.010, 28B.57.100, 28B.57.080, 28B.58.010, 28B.58.070, 28B.58.090, 28B.59.010, 28B.59.070, 28B.59.090, 28B.59C.070, and 28B.59D.060; and adding a new section to chapter 28B.15 RCW."

On page 1, line 4 of the title, after "28B.15.020," insert "28B.15.031"

On page 1, line 8 of the title, strike "28B.15.615," and 28B.15.805."

On page 1, line 11 of the title, after "28B.35.720" insert "28B.35.730"

On page 1, line 12 of the title, after "28B.40.361" strike "28B.50.320."

On page 1, line 13 of the title, after "28B.50.370," insert "28B.50.401, 28B.50.403, 28B.50.404, 28B.57.010, 28B.57.100, 28B.58.010, 28B.58.090, 28B.59.010, 28B.59.090."

On page 1, beginning on line 14 of the title, after "28B.590.060; and" strike all material down to and including "28B.15.031; on line 15 and insert "adding a new section to chapter 28B.15.RCW".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4185.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4185, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4185, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Cantu, Guess, Lee - 4.

ENGROSSED SENATE BILL NO. 4185, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SENATE BILL NO. 3085 with the following amendment:

On page 2, after line 20, insert the following:

"The standards adopted by the commission shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Senate Bill No. 3085.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3085, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Cantu, Deccio, Guess, Lee - 5.

SENATE BILL NO. 3085, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3116 with the following amendment:

On page 1, line 12, after "authority," strike lines 13 through 20 and insert "For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate game department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The commission ~~((may specify by rule the disposition of wildlife so taken))~~ shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and ~~((excludes))~~ includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department of game has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3116.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3116, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3116, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Bluechel - 1.

Excused: Senators Bauer, Cantu, Deccio, Guess, Lee - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3116, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:42 a.m., on motion of Senator Vognild, the Senate recessed until 10:30 a.m.

## SECOND MORNING SESSION

The Senate was called to order at 11:00 a. m. by President Cherberg.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, Substitute Senate Bill No. 4191, which was on the second reading calendar, was referred to the Committee on Ways and Means.

At 11:01 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3314 with the following amendment:

On page 1, line 14, after "lakes" strike all material through "fisheries" on line 17 and insert "except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3314.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3314, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3314, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent, 7; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen,

Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senator Bottiger - 1.

Absent: Senators Benitz, Craswell, Deccio, McDermott, McManus, Rinehart, Stratton - 7.

Excused: Senators Bauer, Guess - 2.

ENGROSSED SENATE BILL NO. 3314, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3776 with the following amendments:

On page 2, line 15 after "follows:" strike the remainder of the section and insert:

"Members of the commission shall serve without compensation. However, nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and legislative members shall be reimbursed as provided in RCW 44.04.120. The commission shall organize, elect a (~~chairman~~) chairperson annually, and adopt (~~its own~~) rules (~~and regulations~~) pursuant to chapter 34.04.RCW. A majority of its members (~~shall~~) constitute a quorum. Any action as defined in RCW 42.30.020 (3) shall be taken only at a meeting at which a quorum is present."

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

"Sec. 7, Section 1, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.055 are each amended to read as follows:

The commission may develop, sponsor, promote and administer any activity, project, or program within or without this state which is related to the growth and development of the arts and humanities in the state of Washington and may (~~cooperate with~~) assist any person or public or private agency to this end."

Renumber remaining sections consecutively.

On page 1, line 2 of the title after "43.46.050," insert "43.46.055,".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3776.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3776, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3776, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators McCaslin, Pullen - 2.

Absent: Senators Benitz, Craswell, McDermott, Owen, Rinehart - 5.

Excused: Senators Bauer, Guess - 2.

SUBSTITUTE SENATE BILL NO. 3776, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Bender, Senator Rinehart was excused.

On motion of Senator von Reichbauer, Senators Benitz and Craswell were excused.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3882 with the following amendment:

On page 2, line 9, after "charges," insert "including".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3882.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3882, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3882, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Benitz, Craswell, Guess, Rinehart - 5.

SUBSTITUTE SENATE BILL NO. 3882, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 1:47 p.m., on motion of Senator Vognilid, the Senate recessed until 2:20 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 2:36 p.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3283 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that it is in the public interest of the people of the state of Washington to encourage maintenance, improvement, and preservation of privately owned historic landmarks as the state approaches its Centennial year of 1989. To achieve this purpose, this chapter provides special valuation for improvements to historic property.

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

(1) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(2) "Substantial improvement" means the actual cost of rehabilitation which is twenty-five percent or greater of the assessed valuation of the historic structure prior to rehabilitation.

(3) "Special valuation" means the determination of the assessed value of the historic property at a rate that excludes, for up to ten years, the actual cost of a substantial improvement.

(4) "State review board" means the advisory council on historic preservation established under chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(5) "Local review board" means a local body designated by the local legislative authority.

(6) "Owner" means the owner of record.

NEW SECTION, Sec. 3. Four criteria must be met for special valuation under this chapter. The property must:

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- (3) Be substantially improved within twenty-four months prior to the application for special valuation; and
- (4) Be protected by a covenant between the owner and the local review board as described in section 5(2) of this act.

**NEW SECTION.** Sec. 4. An owner of property desiring special valuation under this chapter shall apply to the assessor of the county in which the property is located upon forms prescribed by the department of revenue and supplied by the county assessor. The application form shall include a statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for special valuation. Applications shall be made no later than October 1 of the calendar year preceding the first assessment year for which classification is requested.

**NEW SECTION.** Sec. 5. (1) Within ten days after the filing of the application in the county assessor's office, the county assessor shall refer each application for classification to the local review board.

(2) The review board shall approve the application if the property meets the criterion of section 3 of this act and is not altered in a way which adversely affects those elements which qualify it as historically significant, and the owner enters into a covenant with the review board which requires the owner for the ten-year period of the classification to:

- (a) Monitor the property for its continued qualification for the special valuation;
- (b) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
- (c) Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right of way;
- (d) Apply to the local review board for approval or denial of any demolition or alteration;

and

- (e) Comply with any other provisions in the original agreement as may be appropriate.

(3) Once a covenant between an owner and a review board has become effective pursuant to this chapter, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the covenant, during the period of the classification without the approval of all parties to the covenant.

(4) An application for classification as an eligible historic property shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made.

**NEW SECTION.** Sec. 6. (1) The review board shall notify the county assessor and the applicant of the approval or denial of the application.

(2) If the local review board determines that the property qualifies as eligible historic property, the review board shall certify the fact in writing and shall file a copy of the certificate with the county assessor within ten days. The certificate shall state the facts upon which the approval is based.

(3) The assessor shall record the certificate with the county auditor.

(4) The assessor, as to any historic property, shall value the property under section 7 of this act and, each year the historic property is classified and so valued, shall enter on the assessment list and tax roll that the property is being specially valued as historic property.

**NEW SECTION.** Sec. 7. (1) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, value property classified as eligible historic property excluding the actual cost of the substantial improvement completed within the twenty-four months prior to the application.

(2) The entitlement of property to the special valuation provisions of this section shall be determined as of January 1. If property becomes disqualified for the special valuation for any reason, the property shall receive the special valuation for that part of any year during which it remained qualified or the owner was acting in the good faith belief that the property was qualified.

(3) At the conclusion of special valuation, the actual cost of the substantial improvement shall be considered as new construction.

**NEW SECTION.** Sec. 8. (1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by section 7 of this act for ten years or until the property is disqualified by:

- (a) Notice by the owner to the assessor to remove the special valuation;
- (b) Sale or transfer to an ownership making it exempt from property taxation; or
- (c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established under section 5 of this act.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by section 7 of this act if:

(a) The property continues to qualify as historic property; and

(b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45-.120. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to section 9 of this act shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

**NEW SECTION.** Sec. 9. (1) Except as provided in subsection (4) of this section, whenever property classified and valued as eligible historic property under section 7 of this act becomes disqualified for the valuation, there shall be added to the tax levied against the property on the next general property tax roll an additional tax equal to:

(a) The actual cost of the substantial improvement multiplied by the levy rate in each year the property was subject to special valuation; plus

(b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus

(c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.

(2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(3) Before the additional tax or penalty imposed by subsection (1) of this section is added to the tax levied against the property on the next general property tax roll, in the case of disqualification under section 8 of this act, the assessor shall notify the owner of the property by mail, return receipt requested, of the disqualification.

(4) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:

(a) Sale or transfer of the property to an ownership making it exempt from taxation;

(b) Alteration or destruction through no fault of the owner; or

(c) A taking through the exercise of the power of eminent domain.

**NEW SECTION.** Sec. 10. The additional tax, penalties, and/or interest provided by section 9 of this act shall be payable in full thirty days after the date which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

**NEW SECTION.** Sec. 11. The local legislative authority and the local review board may request the assistance of the state historic preservation officer in conducting special valuation activities.

**NEW SECTION.** Sec. 12. The state review board shall adopt rules necessary to carry out the purposes of this chapter. The rules shall include rehabilitation and maintenance standards for historic properties to be used as minimum requirements by local review boards to ensure that the historic property is safe and habitable, including but not limited to:

(1) Elimination of visual blight due to past neglect of maintenance and repair to the exterior of the building, including replacement of broken or missing doors and windows, repair of deteriorated architectural features, and painting of exterior surfaces;

(2) Correction of structural defects and hazards;

(3) Protection from weather damage due to defective roofing, flashings, glazing, caulking, or lack of heat; and

(4) Elimination of any condition on the premises which could cause or augment fire or explosion.

**NEW SECTION.** Sec. 13. Any decision by a local review board on an application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.04.130 in addition to any other remedy at law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

**NEW SECTION.** Sec. 14. No application for special valuation under this chapter may be made after December 31, 1991.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act shall constitute a new chapter in Title 84 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 3283.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3283, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3283, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Guess, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar - 13.

Excused: Senators Bauer, Benitz - 2.

SUBSTITUTE SENATE BILL NO. 3283, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 4189, by Senators Newhouse, Deccio, Warnke, Vognild and Cantu (by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to appellate jurisdiction in industrial insurance tax assessment actions.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4189 was substituted for Senate Bill No. 4189 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4189 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator Warnke, is there anything in this bill which affects what appears to be the current right of employers to appeal existing premium assessment disputes, whether or not pursuant to a departmental audit, directly to Superior Court from a department demand, notice or order?"

Senator Warnke: "No, there is not, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4189.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4189 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 4189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1082, by Committee on Commerce and Labor (originally sponsored by Representatives Bristow, Wang, Patrick, McMullen, R. King, Sayan, K. Wilson and Haugen) (by Joint Select Committee on Workers' Compensation request)

Modifying provisions on industrial insurance.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. It is the intent of the legislature to require the department of labor and industries to implement experience rating and retrospective rating of both accident and medical aid fund premiums no later than January 1, 1989.

The legislature believes that experience rating industrial insurance premiums is a proven method of rewarding employers who promote workplace safety and can provide a significant incentive for employers and employees to reduce work related injuries. However, the legislature finds that before experience rating is implemented it is necessary to study its potential impact on small and large employers.

**NEW SECTION.** Sec. 2. The department of labor and industries shall report to the commerce and labor committees of the house of representatives and senate no later than December 1, 1986, regarding its plan to implement experience and retrospective rating of the medical aid fund premium, and the impact of experience rating on employer and employee medical aid fund premium rates, including but not limited to the average change in premium rates and the maximum and minimum modification factors for small and large employers.

**NEW SECTION.** Sec. 3. A new section is added to chapter 51.36 RCW to read as follows:

An employer may request review of billings for any medical and surgical services received by a worker by submitting written notice to the department. The department shall investigate the billings and determine whether the worker received services authorized under this title. Whenever such medical or surgical services are determined to be unauthorized, the department shall not charge the costs of such services to the employer's account."

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

On page 1, line 3 of the title, strike "amending RCW 74.46.180;"

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 1082, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1082, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1082, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator McManus - 1.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1082, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, by Committee on Commerce and Labor (originally sponsored by Representatives Rayburn, Patrick, Baugher, Wang, McMullen, R. King, Bristow, Sayan, Basich, Peery, Fisch, Leonard, Gallagher, Ballard, Cole, Unsoeld, Winsley, K. Wilson, Haugen, Ebersole, Wineberry, Todd, Dellwo and Armstrong) (originally sponsored by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to prompt actions by the department of labor and industries.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 10, after "rule" insert "or sixty days after the claim is allowed by final order or judgment, if an otherwise proper billing is received by the department prior to final adjudication of claim allowance"

On page 1, line 12, strike "sixty days" and insert "the applicable sixty-day period"

On page 1, after line 20, insert the following:

"Nothing in this section may be construed to require the payment of interest on any billing, fee, or charge if the industrial insurance claim on which the billing, fee, or charge is predicated is ultimately rejected or the billing, fee, or charge is otherwise not allowable."

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 1085, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator McManus - 1.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, by Committee on Commerce and Labor (originally sponsored by Representatives McMullen, R. King, Patrick, Wang and Sayan) (by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to industrial insurance penalties.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025 are each amended to read as follows:

(1) Whenever an employer has notice or knowledge of an injury or occupational disease sustained by any workman in his employment who has received treatment from a physician, has been hospitalized, disabled from work or has died as the apparent result of such injury or occupational disease, he shall immediately report the same to the department on forms prescribed by it. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the workman;
- (c) The date, time, cause, and nature of the injury or occupational disease;
- (d) Whether the injury or occupational disease arose in the course of the injured workman's employment;
- (e) All available information pertaining to the nature of the injury or occupational disease including but not limited to any visible signs, any complaints of the workman, any time lost from work, and the observable effect on the workman's bodily functions, so far as is known; and

(f) Such other pertinent information as the department may prescribe by regulation.

(2) Failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty (~~(of one hundred)~~) determined by the director but not to exceed two hundred fifty dollars for each offense, to be collected in a civil action in the name of the department and paid into the supplemental pension fund.

Sec. 2. Section 51.48.010, chapter 23, Laws of 1961 as last amended by section 20, chapter 63, Laws of 1982 and RCW 51.48.010 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of ~~((two))~~ five hundred dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

Sec. 3. Section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017 are each amended to read as follows:

If a self-insurer unreasonably delays or refuses to pay benefits as they become due there shall be paid by the self-insurer upon order of the director an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him with the benefits which may be assessed under this title. The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits within thirty days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

Sec. 4. Section 51.48.030, chapter 23, Laws of 1961 as last amended by section 21, chapter 63, Laws of 1982 and RCW 51.48.030 are each amended to read as follows:

Every employer who fails to keep the records required by this title or fails to make the reports provided in this title shall be subject to a penalty (~~(of)~~) determined by the director but not to exceed two hundred fifty dollars or two hundred percent of the quarterly premium for each such offense, whichever is greater.

Sec. 5. Section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040 are each amended to read as follows:

The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the men employed, and such other information as may be necessary for the department and its management under this title. Refusal on the part of the employer to submit his books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty (~~(of one hundred)~~) determined by the director but not to exceed two hundred fifty dollars for each offense and the individual who personally gives such refusal shall be guilty of a misdemeanor.

Sec. 6. Section 51.48.060, chapter 23, Laws of 1961 as last amended by section 71, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.060 are each amended to read as follows:

Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty (~~(of one hundred)~~) determined by the director but not to exceed two hundred fifty dollars.

Sec. 7. Section 51.48.080, chapter 23, Laws of 1961 and RCW 51.48.080 are each amended to read as follows:

Every person, firm or corporation who violates or fails to obey, observe or comply with any rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((two hundred and fifty))~~ five hundred dollars.

Sec. 8. Section 9, chapter 37, Laws of 1957 as last amended by section 16, chapter ... (SHB 52), Laws of 1985 and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

(5) To discharge or in any manner discriminate against any employee because the employee has filed or communicated to the employer an intent to file a claim for compensation or exercises any right under Title 51 RCW. However, nothing in this section prevents an employer from taking any action against an employee for other reasons including, but not limited to, the employee's failure to observe health or safety standards adopted by the employer, or the frequency or nature of the employee's job-related accidents."

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

On page 1, line 1 of the title, after "penalties;" strike the remainder of the title and insert "and amending RCW 51.28.025, 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, 51.48.080, and 49.60.180."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1089, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Violation of the department rules is subject to the maximum penalty of five hundred dollars? The second question is that a self-insured employer is subject to a minimum assessment of five hundred dollars for unreasonable delay in payments to claimants. All of the remarks that I've had from my community states the delay in payment has come from Departments rather than problems the other way around. Did your committee address this at all?"

Senator Warnke: "Yes, the committee did address that issue. Whether or not the claim is filed--and then is held by a self-insurer prior to going on--or vice versa--and that's the issue they are addressing in this claim and there was apparently some feeling on the part of people that could transpire, at least."

Senator Bailey: "Mr. President, I just wanted to address that question, because I wonder if we are addressing the right question in this particular bill. I don't want to go beyond that, but I just do raise that question."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Vognild, we understand that this is a package of bills that are related in their effect on the Department of Labor and Industries--and the most important bill, one which we really want to pass, is 1804. Obviously, there is some reluctance to vote on this bill, which is also agreed to without an understanding that 1084 will also run. Do we have your assurance that House Bill 1084 will be before us?"

Senator Vognild: "Senator Newhouse, it is the majority party's intention that that bill will run tomorrow."

Further debate ensued.

#### MOTION

On motion Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1089, as amended by the Senate, was deferred.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3927, on reconsideration, deferred on third reading, April 12, 1985.

#### MOTIONS

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3927, on reconsideration, was returned to second reading and read the second time.

Senator Peterson moved that the following amendments by Senators Peterson, Patterson and Fleming be considered simultaneously and adopted:

On page 2, line 30, after "~~((two))~~" strike "seven" and insert "five"

On page 3, line 23, after "~~((three))~~" strike "five" and insert "four"

On page 4, line 13, after "~~((three))~~" strike "ten" and insert "seven"

On page 4, line 35, after "~~((two))~~" strike "seven" and insert "five"

On page 5, line 23, after "than" strike "five" and insert "three"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Peterson, Patterson and Fleming.

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

#### MOTION

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

On page 7, line 16, after "~~((one))~~", strike "four" and insert "three" and after "dollars" on line 17 strike "~~((b-and fifty cents))~~" and insert "and ((fifty)) twenty-five cents"

On page 8, line 34, after "~~((one))~~", strike "four" and insert "three" and after "dollars" on line 17 strike "~~((fifty cents))~~" and insert "and ((fifty)) twenty-five cents"

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Sellar, the reduction of seventy-five cents that you're proposing here--from the committee recommendation--do you know what the fiscal impact would be if we would reduce it to that point?"

Senator Sellar: "Senator Peterson said each dollar of overcharge to the company would be another 2.6 million dollars to the company, so I would assume that this would come out probably six hundred or seven hundred thousand dollars, which would leave it still in an overcharge position. Yes, I think that was the testimony, every dollar above three dollars is an overcharge of 2.6 million dollars to the people of the state of Washington."

Senator Patterson: "The reason I raise the question is that these fees will cover us for the biennium of 85-87--the coming biennium--and even with this schedule that would be reduced amounts in other areas, we will show approximately a 3.2 million dollars, supposedly, surplus. I just want to make sure that we do not do anything that will not provide the Department with the funding necessary to cover the coming biennium and that's the reason I asked the question."

Senator Sellar: "Well, Senator, the only answer to that is that this amendment will still probably overcharge those companies about a half a million dollars for the services that they receive. I think that's plenty enough overcharge for one particular company, so I would urge the adoption of the amendments."

Further debate ensued.

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

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

## ROLL CALL

The Secretary called the roll and the motion by Senator Seilar failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn - 26.

Absent: Senator Vognild - 1.

Excused: Senator Bauer - 1.

## MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Barr: "Senator Patterson, being on the Transportation Committee, I guess I should know the answer to this question, but I can't recall--this money--how is that associated with the overall cost of running that Department? How directly does this money go for service out there in the county or is it just in a pot of running that Department? Could you kind of give me some indication of how directly it goes of what we are talking about here?"

Senator Patterson: "Yes, I can give you a direct example. Out in your rural district, it pays for licensing stations where you go in to renew your driver's license, take the test for new drivers, the examination and in lieu--if there's not one near in one of your rural communities--if you close down some of those stations, then they may have to drive as far as Ellensburg or Spokane in order to have that service close to where the people are located. That's a direct service to the people to try to make it more convenient for them to have their driver's licenses renewed and authorized, and I would suggest it is a direct benefit to the consumers."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3927.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3927 and the bill failed to pass the Senate by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bottiger, Conner, DeJarnatt, Goltz, Granlund, Guess, Hansen, Kiskaddon, Kreidler, McDermott, Newhouse, Owen, Patterson, Peterson, Rasmussen, Thompson, Vognild, Wojahn, Zimmerman - 19.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, von Reichbauer, Warnke, Williams - 29.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3927, having failed to receive the constitutional majority, was declared lost.

## PERSONAL PRIVILEGE

Senator Hansen: "I want to speak on a point of personal privilege here. I think the state can pick up nearly--there will be thirty some drivers' license closures--most of them in eastern Washington and I think that eastern Washington deserves one trip to Seattle. You have three ways to pick the money up. It's on our gas tax while we're coming over, second the speeding fines that you're going to get for speeding while we're coming and the hotel/motel tax while we're here. I think there's some more if I could stop long enough to think them up, so this is a bad vote we just made."

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

## REPORT OF STANDING COMMITTEE

April 22, 1985

SB 3679 Prime Sponsor, Senator McDermott: Relating to general obligation bonds. Reported by Committee on Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3679 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Deccio, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTIONS

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 3679 was advanced to second reading and placed on the second reading calendar.

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 3679, by Senator McDermott

Relating to general obligation bonds.

## MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3679 was substituted for Senate Bill No. 3679 and the substitute bill was advanced to second reading and read the second time.

## MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3679 was deferred.

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

## MOTION

Senator McDermott moved that the following resolution be adopted:

## SENATE RESOLUTION 1985-62

by Senators McDermott, Fleming, Talmadge, DeJarnatt, Gaspard, Bender, Rasmussen, Thompson, Wojahn, Williams, Vognild, Granlund, McManus and Halsan

WHEREAS, The planned visit of President Ronald Reagan to the Bitburg Cemetery on May 5th, 1985, for the purpose of honoring members of the German military forces killed in World War II is a callous mockery of the principles of tolerance and justice which are the very foundation of our country; and

WHEREAS, To honor agents of the Third Reich is to dishonor all who fought against it; and

WHEREAS, The sacrifices of American men and women on behalf of this country during World War II are not diminished by time; and

WHEREAS, The unspeakable atrocities perpetrated by the Third Reich shall never become respectable; and

WHEREAS, We seek no reconciliation with tyranny and hatred; and

WHEREAS, Post-war efforts jointly undertaken by the American and German peoples are debased by veneration of agents of the Third Reich; and

WHEREAS, Lending the stature of the American Presidency to a commemoration of those who promoted the cause of the Third Reich is a degradation of that great office and the people it represents, the people of the United States of America; and

WHEREAS, The planned visit of President Reagan to the Bitburg Cemetery may encourage and fortify neo-nazism in the United States of America;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington implores the President of the United States to cancel this planned visit to the Bitburg Cemetery; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington urges the President to honor instead those whose devotion to freedom and human decency triumphed over the hatred and racism embodied in the Third Reich; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington expresses its deep gratitude and respect to those who served the United States of America so honorably and unselfishly throughout World War II; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington asks our President and our country to join us in glorifying those whose voices and actions speak unceasingly for tolerance, for justice, for compassion, and for human kindness.

Debate ensued

The President declared the question before the Senate to be adoption of Senate Resolution 1985-62.

The motion by Senator McDermott carried and Senate Resolution 1985-62 was adopted.

#### MOTION

At 3:51 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:17 p.m. by President Cherberg.

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

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SENATE BILL NO. 3325 with the following amendment:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 85, Laws of 1982 and RCW 66.28.010 are each amended to read as follows:

(1) No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest. Except as provided in subsection (3) of this section, no manufacturer, importer, or wholesaler shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth: PROVIDED, That "person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, or wholesaler as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise.

Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or wholesaler from providing services to a class G or J retail licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring or dispensing of wine at a wine tasting exhibition or judging event, or (iii) a class G or J retail licensee from receiving any such services as may be provided by a manufacturer, importer, or wholesaler: PROVIDED, That nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor wholesaler's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the wholesaler, (ii) is not employed by the wholesaler, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the wholesaler.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.04 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Senate Bill No. 3325.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3325, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3325, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Metcalf, Pullen, Zimmerman - 3.

Absent: Senators Benitz, Deccio, Guess - 3.

Excused: Senator Bauer - 1.

SENATE BILL NO. 3325, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3679, deferred on second reading earlier today.

#### MOTION

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

On page 1, line 29, after "of" and before "million" strike "four hundred ninety-six" and insert "five hundred thirty-six."

On page 6, after "appropriation," on line 14 and before subsection 9 on line 15, insert the following:

"(9) General obligation bonds of the state of Washington in the sum of forty million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for capital improvements consisting of the planning, acquisition, construction, rehabilitation, and improvement of agricultural water supply facilities as defined in RCW 43.99E.030 within this state, and to provide for the administrative costs of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, cost of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The department shall pursue projects or a combination of projects that provide a balanced combination of long-term economic development benefits, and environmental and quality of life benefits. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state and local improvements revolving account - water supply facilities shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of ecology, subject to legislative appropriation."

Renumber remaining subsections accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Sellar: "Just an inquiry, Senator Hansen, I haven't had time to read that over. Is there a sum allocation of the funds between the Columbia Basin and Yakima?"

Senator Hansen: "There's no description between them. It's stated in there where they both fall under the criteria."

Senator Sellar: "So it could be used for either?"

Senator Hansen: "Yes, a combination of them."

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

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

#### MOTIONS

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

On page 3, line 3, after "appropriation." insert: "No bonds may be issued under this subsection unless the state or city and county of Spokane imposes a hotel/motel tax or other local option tax by July 1, 1986, with the revenues dedicated to the reimbursement of the state for both principal and interest payments on the bonds."

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

On page 1, after 26, insert the following: "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, increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued."

Senator Cantu moved that the following amendment be adopted:

On page 10, after line 3, add a new section to read as follows:

NEW SECTION, Sec. 11. In addition to the conditions and limitations placed on the use of bond proceeds contained in Section 2 of this act, the average life expectancy of all items comprising a capital project must exceed the term of the bonds sold to finance the project."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Cantu.

The motion by Senator Cantu failed and the amendment was not adopted.

#### MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 6, line 16, after "of" strike "two" and insert "one"

Debate ensued.

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

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

## ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senator Guess - 1.

Excused: Senator Bauer - 1.

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator McDermott, of these nearly six hundred million dollar bond issues--plural--how much of the bonds are going to have to be retired from the general fund of the state of Washington versus those that will be retired from dedicated funds for that purpose?"

Senator McDermott: "Senator, most of the bonds here are general obligation bonds. There are a few in the colleges that are related to student fees and tuition that are from dedicated funds, otherwise it is all general funding. The exact proportion I'm not exactly certain. It's somewhere in excess of four hundred million that is general obligation."

Senator Patterson: "That would leave roughly another two hundred million that would not be an obligation against the general fund then?"

Senator McDermott: "No, Senator, the total figure was four hundred and ninety-six and it's in excess of four hundred million that is general obligation. I'm not quite sure the exact amount that comes from the general fund."

Senator Patterson: "Well, by an amendment by Senator Hansen, as I recall, there was an added forty million which takes it up over five hundred."

Senator McDermott: "It takes it up over five hundred and thirty-six. If you hang on one second I'll give you the figure."

Senator Patterson: "I'd appreciate that."

Senator McDermott: "Senator Patterson, if you add the forty million that we added as an amendment here that takes it up to five hundred and thirty-six million--sixty-five million are reimbursable--which would make four hundred and seventy-one million that would be from the general fund. There's also some money in here for Washington State for the airport."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3679.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3679 and the bill failed to pass the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

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

Excused: Senators Bauer, Guess - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3679, having failed to receive the constitutional 60% majority, was declared lost.

## MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Barr suspended the rules and served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3927 failed to pass the Senate earlier today.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, does Senator Barr's motion require a suspension of the rules?"

## REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator Pullen: "And does that take a two-thirds vote?"

President Cherberg: "Yes."

Senator Pullen: "Thank you, Mr. President."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, if I understand the intent of Senator Barr, he gave notice to reconsider the vote by which the bill failed. Do you want to rephrase the motion, Senator Barr? If you move to reconsider the vote by which it failed, it doesn't take a two-thirds vote."

## REPLY BY THE PRESIDENT

President Cherberg: "Within the last ten days, Senator Bottiger, it's necessary to reconsider on the day the action took place. That is why the suspension of the rules is required and it also has lost and been reconsidered twice."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Barr to suspend the rules and reconsider the vote by which Engrossed Substitute Senate Bill No. 3927 failed to pass the Senate.

## ROLL CALL

The Secretary called the roll and the motion by Senator Barr carried, having received a two-thirds majority, by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Bailey, Bender, Cantu, Craswell, Deccio, Gaspard, Hayner, Lee, McCaslin, McDonald, Moore, Pullen, Rasmussen, Saling, Sellar - 15.

Excused: Senators Bauer, Guess - 2.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 3927, on reconsideration, was deferred.

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

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3235 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. Section 1, chapter 140, Laws of 1984 and RCW 50.44.052 are each repealed.

**NEW SECTION.** Sec. 2. The superintendent of public instruction shall by December 1, 1985, recommend to the legislature a basic education allocation formula which provides adequate but not excessive funding for districts having less than twenty-five full time equivalent students.

**NEW SECTION.** Sec. 3. A new section is added to chapter 28A.58 RCW to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(4), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall annually report to the superintendent of public instruction on the scheduling and implementation of their self-study activities.

**NEW SECTION.** Sec. 4. The legislature recognizes the need to keep and attract quality teachers in our public schools. The legislature intends to examine the effectiveness of a career ladder in our public schools. To improve the quality of teaching and foster a professional climate which encourages creativity and cooperation among teachers and enhances the intrinsic rewards teachers experience from helping students learn, the legislature intends to locally test ways in which the goal of attracting and retaining excellent teachers might be accomplished. The legislature recognizes that a career ladder system is one means of enhancing the attractiveness of teaching; however, the legislature wishes to investigate this concept further prior to determining whether to develop such a system.

**NEW SECTION.** Sec. 5. The Washington state professional certification examination created by this act shall cover mastery of basic skills including the teacher's knowledge of the use of the English language.

**NEW SECTION.** Sec. 6. A new section is added to chapter 28A.67 RCW to read as follows:

(1) The superintendent of public instruction is hereby authorized to grant funds for selected school improvement and research projects, including improvements in curriculum, instruction, and classroom management developed by teachers.

(2) The superintendent shall appoint an advisory committee on research and development composed of certificated and noncertificated staff, administrators, curriculum specialists, parents, school directors, postsecondary educators, business persons, and others as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate proposed school improvement and research projects proposed by educational employees. The criteria approved by the superintendent shall: (a) Assure to the extent possible that projects will be chosen which represent the various geographical locations, school or district sizes, and grade levels existent in the state; (b) provide for evaluation of each project upon completion; and (c) include such other requirements as the superintendent finds necessary. The committee shall recommend to the superintendent of public instruction the awarding of grants to fund those proposals showing the most potential for developing knowledge which will be helpful to local districts in their efforts to enhance educational equity and excellence. Projects may involve the collaboration of personnel from higher education institutions and kindergarten through grade twelve educators.

(3) The superintendent of public instruction shall award grants to selected project participants in such amounts as determined by the superintendent of public instruction, who shall take into consideration grant amounts as recommended by the advisory committee on research and development under subsection (2) of this section. The sum of all grants awarded per year shall not exceed that amount appropriated by the legislature for such purposes.

Grants may be awarded to individual teachers or teams of teachers including teacher's aides and volunteers.

(4) The superintendent of public instruction shall maintain a clearinghouse of information on these research projects for the use of local districts.

Sec. 7. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A-.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom

instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education may grant waivers to school districts from the provisions of RCW 28A.58.750 through 28A.58.754 on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

The state board shall adopt criteria to evaluate the need for the waiver or waivers.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.58 RCW to read as follows:

School boards may by separate contract with certificated instructional and classified staff provide supplemental compensation for additional days or additional duties as set forth in the bargaining agreement or agreements as negotiated between the district and the respective bargaining representatives, if the district does not incur obligations for the supplements beyond the current school year and if such supplements do not cause the state to incur any present or future funding obligations. Additional days for certificated instructional staff and classified staff shall be those days beyond their respective work year. Such separate contracts shall be subject to the collective bargaining provisions of chapters 41.59 and 41.56 RCW. Such supplemental compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095. Separate contracts shall be subject to the provision 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 RCW 28A.58.515.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall adopt rules for approved professional preparation programs and professional certification requirements that include but are not limited to the following:

- (1) Entrance requirements to professional education programs that include but are not limited to a minimum score on the Washington pre-college test, or an equivalent test, or a college grade point average requirement;
- (2) After July 1, 1987, a person shall not be eligible for certification until the person has successfully completed two full academic quarters or the equivalent of internship experience under the direction of a supervisory teacher and administrator in a teacher preparation program in a local school district; and
- (3) Completion of a degree major in an academic field.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.70 RCW to read as follows:

(1) After June 30, 1985, the superintendent of public instruction shall develop or select a prototype Washington state professional certification examination for the approval and adoption by the state board of education no later than January, 1987. The examination shall measure professional teaching and pedagogical knowledge. The examination shall be administered to persons seeking initial certification after June 30, 1989, and passage of the examination shall be a condition for receipt of an initial professional certificate.

(2) The state board of education shall study subject area examinations and the use of subject area examinations as a condition for initial certification before the state board of education may require these examinations as a condition for initial certification.

(3) The board shall consult with state education associations and such other groups as the board may deem appropriate in the development of the examination program under this section.

(4) The board shall report on its activities and actions to the education committees of the house of representatives and the senate no later than December, 1986.

Sec. 12. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

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

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

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

(3) Develop, establish, and maintain a professional certification examination program as a condition for initial certification.

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

((f4)) (5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

((f5)) (6) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

((f6)) (7) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

((f7)) (8) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

((f8)) (9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

((f9)) (10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

((f10)) (11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic: such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

((f11)) (12) Hear and decide appeals as otherwise provided by law.

Sec. 13. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.005 are each amended to read as follows:

The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including professional examination requirements for all applicants for initial certification and certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

NEW SECTION. Sec. 14. A new section is added to chapter 28A.70 RCW to read as follows:

Professional certificate means one of the several certificates issued by the state board of education authorizing the holder to work with children, youth, and adults in a school setting subject to fulfilling requirements established by the state board of education. Types of certificates include but are not limited to:

(1) The initial certificate which is a certificate authorizing school service in a particular role and allows the holder to assume independent responsibility for working with children, youth, and adults based on having fulfilled requirements established by the state board of education.

(2) The continuing certificate which is a certificate valid on a continuing basis and authorizes school service in a particular role based on completion of additional academic, experience, and competency requirements established by the state board of education beyond the initial certificate.

(3) An endorsement which is a notation on a professional certificate indicating an area of subject matter or a field of specialization based on completion of requirements established by the state board of education.

NEW SECTION. Sec. 15. A new section is added to chapter 28A.70 RCW to read as follows:

(1) The state board of education shall study the feasibility of requiring holders of continuing certificates to obtain endorsements. The state board of education, with the assistance of the office of the superintendent of public instruction, as well as that of the local school districts, the educational service districts, and the colleges and universities, shall review the criteria for obtaining endorsements in at least the following subjects: English, mathematics, science, and

social studies, with the aim of modifying the criteria to account for and incorporate the following:

(a) Successful experience teaching in a field other than those in which endorsed, as evidenced by evaluations, student progress, documented private or self-directed learning, and other relevant factors;

(b) Credit for work done through in-service training or in settings other than those approved for a regular endorsement;

(c) Expanded use of cooperative and innovative ways of earning endorsements, including but not limited to courses offered through educational service districts, community colleges, and those making use of communications technologies; and

(d) Use of the subject area tests selected as part of the teacher competency test under section 11 of this act or other validated subject area tests to confirm a teacher's minimal competency in endorsed areas for the addition of new endorsements and the renewal of existing ones.

(2) By January, 1988, the state board of education shall complete the review and development or selection of criteria for an endorsement being obtained for both initial and continuing certification and shall report its results to the legislature.

**NEW SECTION.** Sec. 16. The state board of education shall report to the legislature in January, 1988, on its progress and recommendations in the following areas:

(1) The implementation and the impact of applying professional certification requirements including use of the Washington precollege test or college grade point average and the need for waiver of these requirements;

(2) The development or selection and establishment of a state professional certification examination; and

(3) Assessment of the feasibility, criteria, and plan for issuance of endorsements in at least the subject areas of English, science, mathematics, and social studies to holders of continuing certificates.

**NEW SECTION.** Sec. 17. If specific funding for the purposes of this act, referencing this act by bill number is not provided in the omnibus appropriations act enacted before July 1, 1985, sections 6, 11, 12, and 13 of this act shall be null and void.

Sec. 18. Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402 are each amended to read as follows:

As used in ~~(this act)~~ RCW 28A.41.400 through 28A.41.410 unless the context clearly indicates otherwise:

(1) "Basic skills" means reading, mathematics, and language arts.

(2) "Program of remediation" ~~(shall)~~ means the assistance ((in the remediation of basic skills deficiencies provided to five students or less per session)) provided to eligible students by a person certified pursuant to chapter 28A.70 RCW or by a person appropriately trained for that purpose acting under the direct supervision and control of a person certificated pursuant to chapter 28A.67 RCW. Such assistance shall be provided to ten eligible students or fewer per session. However, local school districts are encouraged to provide such assistance to five eligible students or fewer per session for students in grades two through six. Local school districts shall make every effort to provide such sessions in the regular classroom setting in grades two through six.

(3) "Approved program" means a program of remediation which is designed by a public school district, or which is selected from the bank of nationally validated proven educational practices and is a diagnostic, prescriptive model in basic skills, and which is approved by the local school board and the superintendent of public instruction in accordance with the following criteria:

(a) All students participating in the program shall be ~~((educationally deprived by consequence of their being below grade level in basic skills achievement))~~ eligible as defined in RCW 28A.41.406;

(b) The program and individual student progress shall be based on performance objectives related to educational achievement and shall be annually evaluated by the district in a manner consistent with such objectives;

(c) The program shall provide supplementary services designed to meet the ~~((special educational))~~ needs of the participating students by providing a program of remediation for such participating students of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the needs of such students and supportive services consisting of supervision, materials and supplies and the training of administrators, teachers, aides and tutors;

(d) ~~((Not less than fifty percent of the funds expended in the program by any school district in any fiscal year shall be expended in school attendance areas having high concentrations of students from low income families as defined in Section 122 of Public Law 95-561))~~ The superintendent of public instruction may adopt additional program standards and procedures as necessary to combine the state program for remediation in basic skills with like federal programs in order to fulfill the state's goal of providing service to students in need of remediation;  
and

(e) The school district shall keep individual records of student progress and other such records and provide reasonable access thereto by parents and by the superintendent of public instruction as is necessary to assure compliance with the ~~((foregoing approval criteria))~~ provisions set forth in RCW 28A.41.400 through 28A.41.410.

(4) "Basic skills tests" means tests established pursuant to RCW 28A.03.360, as now or hereafter amended.

(5) "Placement testing" means the administration of standardized objective ~~((tests))~~ measurements by a school district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students in conformance with instructions established by the superintendent of public instruction established for such purpose.

(6) "Standardized objective measurement" means a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children.

Sec. 19. Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404 are each amended to read as follows:

~~((Each school district which has established an approved program))~~ Each school district in which students are enrolled who are eligible for remediation services under RCW 28A.41.406 shall establish an approved program. Each school district shall submit annually an application to the office of the superintendent of public instruction for program approval. Local school districts are encouraged to save time and effort by implementing those nationally validated programs identified in RCW 28A.41.402(3). Upon approval of the program, each school district shall be eligible ~~((as determined by the superintendent of public instruction;))~~ for state funds made available for the purposes of such program ~~((s)).~~ The ~~((number of students eligible to participate in such program in each school district))~~ allocation of state funds for each school district shall be calculated by the superintendent of public instruction ~~((through the use of data derived from the basic skills test. In making such calculations the superintendent of public instruction shall multiply the percentage of students taking the tests which scored in the lowest quartile, as compared to national norms, by the number of students enrolled in the district in grades two through six))~~ as follows:

The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district enrollment in grades two through six: PROVIDED, That in making this calculation the superintendent of public instruction may use an average of the percentages of the students scoring in the lowest quartile over the immediately preceding five or fewer years.

NEW SECTION. Sec. 20. The legislature finds that the program provided under RCW 28A.41.400 through 28A.41.410 is not part of the basic program of education which the state is required to fund under Article IX of the Washington state Constitution.

NEW SECTION. Sec. 21. Section 8, chapter 149, Laws of 1979 and RCW 28A.41.414 are each repealed.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. The legislature finds that sections 6 through 16 of this 1985 act are not part of the basic program of education which the state is required to fund under Article IX of the Washington state Constitution."

On page 1, line 1 of the title, after "excellence;" strike the remainder of the title and insert "amending RCW 28A.41.140, 28A.04.120, 28A.70.005, 28A.41.402, and 28A.41.404; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 28A.58 RCW; adding a new section to chapter 28A.67 RCW; adding new sections to chapter 28A.70 RCW; creating new sections; and repealing RCW 28A.41.414 and 50.44.052."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 3235 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3235 and the House amendments thereon: Senators Gaspard, Craswell and Bender.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4196 with the following amendments:

On page 9, after line 25, insert the following:

NEW SECTION, Sec. 9. A new section is added to chapter 50.44 RCW to read as follows:

The term "reasonable assurance", as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

NEW SECTION, Sec. 10. Section 1, chapter 140, Laws of 1984 and RCW 50.44.052 are each repealed."

Renumber the remaining sections and correct any internal references accordingly.

On page 9, after line 30, insert the following:

NEW SECTION, Sec. 11. The commerce and labor committees of the house of representatives and the senate shall study the possible effects of an extension of unemployment benefits for an additional thirteen weeks to determine whether such extension is necessary. The study shall include the cost impact of an extension of unemployment benefits on the funds available for unemployment compensation and on employers. The committees shall report back to the legislature no later than December 31, 1985."

Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "50.24 RCW;" insert "adding a new section to chapter 50.44 RCW;"

On page 1, line 4 of the title, after "sections;" insert "repealing RCW 50.44.052;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4196 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4196 and the House amendments thereon: Senators Wojahn, Newhouse and Warnke.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 3134 and asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Goltz, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 3134 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3233 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate refuses to concur in the House amendments to Senate Bill No. 3233 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3233 and the House amendments thereon: Senators Granlund, Owen and Hayner.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4128 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4128 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4128 and the House amendments thereon: Senators Granlund, McCaslin and Kreidler.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 3146 with the exception of the amendments to page 2, line 12, and page 4, line 8, and the title amendments thereto and again asks the Senate to concur therein.

On page 2, beginning on line 12, strike all of Sec. 2.

Renumber sections consecutively and correct internal references accordingly

On page 4, line 8, after "RCW 72.12.050" insert "and Section 109, chapter 136, Laws of 1981 and RCW 72.12.160"

On page 1, line 2 of the title strike "72.12.160."

On page 1, line 3, after "72.12.150" insert "and RCW 72.12.160"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate refuses to concur in the remaining House amendments to Substitute Senate Bill No. 3146 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3146 and the House amendments thereon: Senators Granlund, Bailey and Peterson.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 131 with the exception of the amendments to page 13, line 3; page 72, line 28; and page 1, line 30; and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate refuses to recede from the remaining Senate amendments to Substitute House Bill No. 131 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 131 and the Senate amendments thereon: Senators Thompson, Kiskaddon and Kreidler.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 843 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate refuses to recede from the Senate amendments to Substitute House Bill No. 843 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 843 and the Senate amendments thereon: Senators Hansen, Barr and Goltz.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1079 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate refuses to recede from the Senate amendments to Substitute House Bill No. 1079 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1079 and the Senate amendments thereon: Senators Halsan, Lee and Bottiger.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1107 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Peterson, the Senate refuses to recede from the Senate amendment to Substitute House Bill No. 1107 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1107 and the Senate amendment thereon: Senators Peterson, Sellar and Vognild.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1207 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate refuses to recede from the Senate amendments to Engrossed Substitute House Bill No. 1207 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3012 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 3012.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3012 and the House amendments thereon: Senators Talmadge, Pullen and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 3029 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Moore, the Senate insists on its position, refuses to grant a conference on Engrossed Substitute Senate Bill No. 3029 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 3254 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 3254.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3254 and the House amendments thereon: Senators Talmadge, Metcalf and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3384. The Speaker had appointed the following members as conferees: Representatives Lundquist, Sayan and Sutherland.

DENNIS L. HECK, Chief Clerk

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3384: Senators Owen, Metcalf and Stratton.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3516 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Gaspard, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 3516.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3516 and the House amendments thereon: Senators Gaspard, Craswell and Bauer.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4424 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 4424.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4424 and the House amendments thereon: Senators Hansen, Benitz and Goltz.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 190 and requests a conference thereon. The Speaker has appointed the following as conferees: Representatives Wang, Cole and Patrick.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate granted the request of the House for a conference on Substitute House Bill No. 190.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 190 and the Senate amendments thereon: Senators Moore, Cantu and Bender.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 327 and requests a conference thereon, and the same are herewith transmitted.

## MOTION

On motion of Senator Peterson, the Senate granted the request of the House for a conference on Substitute House Bill No. 327.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 327 and the Senate amendments thereon: Senators Peterson, Bluechel and Vognild.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103 with the following amendment:

On page 1, line 16, after "records," strike "Each charter shall clearly indicate that the State of Washington retains the right to pass preemptive legislation superseding all conflicting local ordinances."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Joint Resolution No. 103 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Joint Resolution No. 103 and the House amendment thereon: Senators Thompson, Guess and Granlund.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3167 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Hargrove and Van Luven.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate granted the request of the House for a conference on Senate Bill No. 3167.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3167 and the House amendments thereon: Senators Talmadge, Newhouse and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the following bills, which were on the second reading calendar, were referred to the Committee on Rules.

House Bill No. 1074,  
House Bill No. 1134,  
House Bill No. 470,  
House Joint Memorial No. 24,  
House Bill No. 856,  
House Bill No. 1106,  
House Bill No. 1102,  
House Bill No. 244,  
House Bill No. 464,  
House Bill No. 712,  
House Bill No. 10,  
House Bill No. 1037,  
House Bill No. 37,  
House Bill No. 339,  
House Bill No. 744,  
House Bill No. 594,  
House Joint Resolution No. 25,  
House Bill No. 542,  
House Bill No. 392,  
House Joint Memorial No. 17,  
House Bill No. 419,  
House Bill No. 205,  
House Bill No. 114,  
House Bill No. 351,  
House Bill No. 44.

## MOTION

At 5:42 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, April 23, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDREDTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 23, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer and McDermott. On motion of Senator Bender, Senators Bauer and McDermott were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ella Beck and Kristi Nyland, presented the Colors. Senator Paul Conner offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

April 22, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3001

Relating to port commissioner vacancies.

Senate Bill No. 3143

Relating to trade names.

Substitute Senate Bill No. 3170

Relating to annual reports on natural resources.

Senate Bill No. 3180

Relating to salary surveys.

Senate Bill No. 3214

Relating to cities and counties.

Senate Bill No. 3273

Relating to law enforcement.

Substitute Senate Bill No. 3309

Relating to counties.

Substitute Senate Bill No. 3536

Relating to public utility districts.

Substitute Senate Bill No. 3598

Relating to physically disabled persons.

Senate Bill No. 3624

Relating to appointments by the commissioner of the department of employment security.

Sincerely,

TERRY SEBRING, Counsel to the Governor

#### MESSAGES FROM THE HOUSE

April 22, 1985

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and passed said bills as amended by the Senate:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 23,

SUBSTITUTE HOUSE BILL NO. 36,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 62,

HOUSE BILL NO. 66,

SUBSTITUTE HOUSE BILL NO. 68,

SUBSTITUTE HOUSE BILL NO. 69,

HOUSE BILL NO. 139,

SUBSTITUTE HOUSE BILL NO. 178,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 199,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 214,  
 SUBSTITUTE HOUSE BILL NO. 262,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 435,  
 SUBSTITUTE HOUSE BILL NO. 466,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 543,  
 HOUSE BILL NO. 629,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 781,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 815,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 865,  
 SUBSTITUTE HOUSE BILL NO. 891,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 932.

DENNIS L. HECK, Chief Clerk

April 22, 1985

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 39,  
 ENGROSSED HOUSE BILL NO. 58,  
 SUBSTITUTE HOUSE BILL NO. 61,  
 SUBSTITUTE HOUSE BILL NO. 187,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 203,  
 ENGROSSED HOUSE BILL NO. 222,  
 ENGROSSED HOUSE BILL NO. 228,  
 SUBSTITUTE HOUSE BILL NO. 270,  
 SUBSTITUTE HOUSE BILL NO. 297,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 323,  
 SUBSTITUTE HOUSE BILL NO. 512,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 550,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 577,  
 SUBSTITUTE HOUSE BILL NO. 606,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 957,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 974,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 975,  
 SUBSTITUTE HOUSE BILL NO. 1046,  
 SUBSTITUTE HOUSE BILL NO. 1060,  
 SUBSTITUTE HOUSE BILL NO. 1061,  
 SUBSTITUTE HOUSE BILL NO. 1170,  
 SUBSTITUTE HOUSE BILL NO. 1190,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1269.

DENNIS L. HECK, Chief Clerk

April 22, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3059,  
 SENATE BILL NO. 3282,  
 SENATE BILL NO. 3326,  
 SENATE BILL NO. 3601,  
 SENATE BILL NO. 3804,  
 SECOND SUBSTITUTE SENATE BILL NO. 3828,  
 SENATE BILL NO. 3830,  
 SENATE BILL NO. 4278,  
 SUBSTITUTE SENATE BILL NO. 4358,  
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 104,  
 SENATE JOINT MEMORIAL NO. 110,  
 SENATE JOINT MEMORIAL NO. 111, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 22, 1985

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and passed said bills as amended by the Senate and the Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 3,  
HOUSE BILL NO. 54,  
SUBSTITUTE HOUSE BILL NO. 84,  
HOUSE BILL NO. 158,  
SUBSTITUTE HOUSE BILL NO. 232,  
HOUSE BILL NO. 331,  
SECOND SUBSTITUTE HOUSE BILL NO. 356,  
HOUSE BILL NO. 575,  
HOUSE BILL NO. 576,  
SUBSTITUTE HOUSE BILL NO. 717,  
SECOND SUBSTITUTE HOUSE BILL NO. 738,  
HOUSE BILL NO. 758,  
HOUSE BILL NO. 853,  
HOUSE BILL NO. 943,  
SUBSTITUTE HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1094,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SUBSTITUTE HOUSE BILL NO. 1195, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 3,  
HOUSE BILL NO. 54,  
SUBSTITUTE HOUSE BILL NO. 84,  
HOUSE BILL NO. 158,  
SUBSTITUTE HOUSE BILL NO. 232,  
HOUSE BILL NO. 331,  
SECOND SUBSTITUTE HOUSE BILL NO. 356,  
HOUSE BILL NO. 575,  
HOUSE BILL NO. 576,  
SUBSTITUTE HOUSE BILL NO. 717,  
SECOND SUBSTITUTE HOUSE BILL NO. 738,  
HOUSE BILL NO. 758,  
HOUSE BILL NO. 853,  
HOUSE BILL NO. 943,  
SUBSTITUTE HOUSE BILL NO. 1080,  
HOUSE BILL NO. 1094,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SUBSTITUTE HOUSE BILL NO. 1195.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3085,  
SUBSTITUTE SENATE BILL NO. 3116,  
SUBSTITUTE SENATE BILL NO. 3249,  
SUBSTITUTE SENATE BILL NO. 3283,  
SENATE BILL NO. 3314,  
SENATE BILL NO. 3325,  
SUBSTITUTE SENATE BILL NO. 3386,  
SUBSTITUTE SENATE BILL NO. 3776,  
SENATE BILL NO. 3854,  
SUBSTITUTE SENATE BILL NO. 3882,  
SUBSTITUTE SENATE BILL NO. 3951,  
SENATE BILL NO. 4185.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3442 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 28C.04 RCW to read as follows:

The commission for vocational education may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The fire service training account is hereby established in the state treasury. The commission for vocational education shall deposit in the account all fees received by the commission for fire service training. Moneys in the account may be appropriated only for fire service training."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 3442.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3442, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 3442, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3069 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 18.100 RCW to read as follows:

This chapter does not apply to a nonprofit corporation organized to provide professional services under chapter 24.03 RCW. Such a nonprofit corporation, however, may employ an individual or group of individuals incorporated pursuant to this chapter.

**NEW SECTION.** Sec. 2. A new section is added to chapter 24.03 to read as follows:

(1) Notwithstanding that chapter 18.100 RCW does not apply to such a corporation, a corporation organized under this chapter may provide professional services to the public.

(2) No corporation organized under this chapter may render professional services except through individuals who are duly licensed or otherwise legally authorized to render such professional services with this state. Nothing in this section, however, shall be interpreted to require the licensing of administrators, clerks, secretaries, bookkeepers, technicians, and other assistants employed by a professional corporation who are not usually and ordinarily considered by custom and practice to be rendering professional services to the public for which a license or other legal authorization is required.

(3) Nothing contained in this chapter shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and the standards for professional conduct or licensing.

Sec. 3. Section 6, chapter 196, Laws of 1979 ex. sess. as last amended by section 1, chapter 66, Laws of 1983 1st sess. and RCW 82.04.431 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in section 2 of this 1985 act. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state."

On page 1, line 1 of the title after "corporations;" strike everything through "18.100.134" on line 2 and insert "amending RCW 82.04.431; adding a new section to chapter 18.100 RCW; and adding a new section to chapter 24.03 RCW".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Substitute Senate Bill No. 3069.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3069, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3069, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3069, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3099 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the purpose of this legislation to ensure that minors in need of mental health care and treatment receive appropriate care and treatment, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty.

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

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or 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.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "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 oneself; (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.

(12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of

alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

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

(15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(17) "Professional person in charge" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(22) "Secretary" means the secretary of the department or secretary's designee.

(23) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

**NEW SECTION.** Sec. 3. (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.

(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 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 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 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.

**NEW SECTION.** Sec. 4. If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment. If it is determined that the minor suffers from a mental disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a county-designated mental health professional to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

**NEW SECTION.** Sec. 5. (1) When a county-designated mental health professional receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

**NEW SECTION.** Sec. 6. (1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental

condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(3) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(4) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(5) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**NEW SECTION. Sec. 7.** (1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
- (vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and
- (vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

**NEW SECTION. Sec. 8.** (1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
  - (b) To present evidence on his or her own behalf;
  - (c) To question persons testifying in support of the petition.
- (7) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(8) Rules of evidence shall not apply in fourteen-day commitment hearings.

(9) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder and presents a "likelihood of serious harm" or is "gravely disabled";

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(11) Nothing in this section prohibits the professional person in charge of the evaluation and treatment facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**NEW SECTION.** Sec. 9. (1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed for further inpatient treatment to the custody of the secretary or to a private treatment and evaluation facility if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

**NEW SECTION.** Sec. 10. (1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and composed of children's mental health specialists, including at least one child psychiatrist who represents the state-funded, long-term,

evaluation and treatment facility for minors. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility shall submit a report to the department's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

**NEW SECTION, Sec. 11.** (1) If the professional person in charge of an outpatient treatment program, a county-designated mental health professional, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the county-designated mental health professional, or the secretary may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility.

(2) The county-designated mental health professional or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The county-designated mental health professional or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the county-designated mental health professional or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, section 10 of this act regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

**NEW SECTION, Sec. 12.** (1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to section 11 of this act if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician or professional person in charge concludes that the minor no longer meets commitment criteria.

**NEW SECTION, Sec. 13.** (1) A minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The secretary shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

**NEW SECTION, Sec. 14.** (1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the county mental health plan, and for coordination of evaluation and

treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1984 level, adjusted for inflation, with the department responsible for additional costs to the county resulting from this chapter.

NEW SECTION. Sec. 15. Necessary transportation for minors committed to the secretary under this chapter for one hundred eighty-day treatment shall be provided by the department in the most appropriate and cost-effective means.

NEW SECTION. Sec. 16. Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (3) To have individual storage space for private use;
- (4) To have visitors at reasonable times;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
- (7) To discuss treatment plans and decisions with mental health professionals;
- (8) To have the right to adequate care and individualized treatment;
- (9) Not to consent to the performance of electro-convulsive treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have electro-convulsive treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;
- (10) Not to have psychosurgery performed on him or her under any circumstances.

NEW SECTION. Sec. 17. (1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the department shall furnish this clothing. As funds are available, the secretary may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

NEW SECTION. Sec. 18. The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent designate in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

\*As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . . \*

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

**NEW SECTION.** Sec. 19. When in the judgment of the department the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that the person be transferred or moved for observation, diagnosis, or treatment to an evaluation and treatment facility, the secretary or the secretary's designee is authorized to order and effect such move or transfer for a period of up to fourteen days, provided that the secretary notifies the original committing court of the transfer and the evaluation and treatment facility is in agreement with the transfer. No person committed to or confined in any state juvenile correctional institution or facility may be transferred to an evaluation and treatment facility for more than fourteen days unless that person has been admitted as a voluntary patient or committed for one hundred eighty-day treatment under this chapter or ninety-day treatment under chapter 71.05 RCW if eighteen years of age or older. Underlying jurisdiction of minors transferred or committed under this section remains with the state correctional institution. A voluntary admitted minor or minors committed under this section and no longer meeting the criteria for one hundred eighty-day commitment shall be returned to the state correctional institution to serve the remaining time of the underlying dispositional order or sentence. The time spent by the minor at the evaluation and treatment facility shall be credited towards the minor's juvenile court sentence.

**NEW SECTION.** Sec. 20. No minor received as a voluntary patient or committed under this chapter may be detained after his or her eighteenth birthday unless the person, upon reaching eighteen years of age, has applied for admission to an appropriate evaluation and treatment facility or unless involuntary commitment proceedings under chapter 71.05 RCW have been initiated: PROVIDED, That a minor may be detained after his or her eighteenth birthday for purposes of completing the fourteen-day diagnosis, evaluation, and treatment.

**NEW SECTION.** Sec. 21. The records and files maintained in any court proceeding under this chapter are confidential and available only to the minor, the minor's parent, and the minor's attorney. In addition, the court may order the subsequent release or use of these records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality will be maintained.

**NEW SECTION.** Sec. 22. When disclosure of information or records is made, the date and circumstances under which the disclosure was made, the name or names of the persons or agencies to whom such disclosure was made and their relationship if any, to the minor, and the information disclosed shall be entered promptly in the minor's clinical record.

**NEW SECTION.** Sec. 23. Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the costs of these legal services shall be borne by the county in which the proceeding is held.

NEW SECTION. Sec. 24. Court procedures and proceedings provided for in this chapter shall be in accordance with rules adopted by the supreme court of the state of Washington.

NEW SECTION. Sec. 25. The department shall adopt such rules pursuant to chapter 34.04 RCW as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality, effectiveness, efficiency, and use of services and facilities operating under this chapter, procedures and standards for commitment, and other action relevant to evaluation and treatment facilities, and establishment of criteria and procedures for placement and transfer of committed minors.

NEW SECTION. Sec. 26. (1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in which the minor is being detained. The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.

NEW SECTION. Sec. 27. No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person under this chapter, nor any county designated mental health professional, shall be civilly or criminally liable for performing his or her duties under this chapter with regard to the decision of whether to admit, release, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 28. For purposes of this chapter, a superior court may transfer proceedings under this chapter to its juvenile department.

Sec. 29. Section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 272, Laws of 1984 and RCW 13.04.030 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170, as now or hereafter amended;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210, as now or hereafter amended;

(4) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

~~(5) ((Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;~~

~~(6))~~ Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, as now or hereafter amended, unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110, as now or hereafter amended; or

(b) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(c) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection ~~((6))~~ ~~(5)~~(a) of this section: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

~~((7))~~ ~~(6)~~ Under the interstate compact on juveniles as provided in chapter 13.24 RCW; and

~~((8))~~ ~~(7)~~ Relating to termination of a diversion agreement under RCW 13.40.080 as now or hereafter amended, including a proceeding in which the diveree has attained eighteen years of age.

Sec. 30. Section 9, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 7, Laws of 1985 and RCW 13.04.093 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings ~~(under RCW 72.23.070)~~ as provided in chapter 71.-- RCW (sections 1 through 28 of this 1985 act). It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in class 1 through 9 counties the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

Sec. 31. Section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 179, chapter 3, Laws of 1983 and RCW 71.05.030 are each amended to read as follows:

Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW or its successor, chapter 71.06 RCW, chapter 71.-- RCW (sections 1 through 28 of this 1985 act), transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

Sec. 32. Section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Psychopathic personality" means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

"Sexual psychopath" means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

"Sex offense" means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

~~("Psychopathic delinquent" means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the developmentally disabled, or to a state hospital as a mentally ill person.))~~

"Minor" means any person under eighteen years of age.

"Department" means department of social and health services.

"Court" means the superior court of the state of Washington.

"Superintendent" means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

Sec. 33. Section 71.06.260, chapter 25, Laws of 1959 as amended by section 132, chapter 141, Laws of 1979 and RCW 71.06.260 are each amended to read as follows:

At any time any person is committed as a sexual psychopath ~~((or psychopathic delinquent))~~ the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into and determine the financial ability of said person, or his parents if he is a minor, or other relatives to pay the cost of care, meals and lodging during his period of hospitalization. Such cost shall be determined by the department of social and health services. Findings of fact shall be made relative to the ability to pay such cost and a judgment entered against the person or persons found to be financially responsible and directing the payment of said cost or such part thereof as the court may direct. The person committed, or his parents or relatives, may apply for modification of said judgment, or the order last entered by the court, if a proper showing of equitable grounds is made therefor.

**NEW SECTION.** Sec. 34. The following acts or parts of acts are each repealed:

- (1) Section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150;
- (2) Section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160;
- (3) Section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170;
- (4) Section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180;
- (5) Section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190;
- (6) Section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200;
- (7) Section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210;
- (8) Section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220;
- (9) Section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230;
- (10) Section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240;

(11) Section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250; and

(12) Section 72.23.070, chapter 28, Laws of 1959, section 50, chapter 292, Laws of 1971 ex. sess., section 4, chapter 142, Laws of 1973 1st ex. sess., section 1, chapter 24, Laws of 1973 2nd ex. sess., section 3, chapter 145, Laws of 1974 ex. sess., section 11, chapter 199, Laws of 1975 1st ex. sess., section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070.

**NEW SECTION.** Sec. 35. The department shall prepare a report on standards and regulations proposed to implement chapter 71.... RCW (sections 1 through 28 of this act), on facilities and services available for minors committed under this chapter, and on additional resources required to address the needs of children committed under this chapter. This report shall be presented to the legislature in January 1986.

**NEW SECTION.** Sec. 36. Sections 1 through 28 of this act shall constitute a new chapter in Title 71 RCW.

**NEW SECTION.** Sec. 37. 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. 38. This act shall take effect January 1, 1986."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3099.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3099, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3099, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Voting nay: Senators Barr, Craswell, McCaslin, Pullen, Zimmerman - 5.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3099, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1985

Mr. President:

The House has passed SENATE BILL NO. 3120 with the following amendments:

On page 2, after line 21, insert the following:

"Sec. 2. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 53, chapter 7, Laws of 1984 and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this (~~connection~~) combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveway service where two of the vehicles are towed by the third in double saddle mount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 1, line 2 of the title, after "46.44.030," insert "46.44.037,".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 3120.

Debate ensued.

#### POINT OF ORDER

Senator Talmadge: "Thank you, Mr. President, a point of order. I believe the House amendments expand the scope and object of Senate Bill No. 3120. Senator Halsan has suggested to me that perhaps this is the nose of the camel underneath the tent flap. I think that's exactly the case. Senate Bill No. 3120, as it was originally passed, made some technical changes required by federal law to the laws relating to motor vehicles. The amendment added by the House adds what was a whole separate bill, as I understand it, to the legislation dealing with the issue of dromedaries and for that reason I believe it expands the scope and object."

Further debate ensued.

#### REMARKS BY SENATOR GARRETT

Senator Garrett: "Thank you, Mr. President and members of the Senate. I want the record to show that I, as a sponsor to the bill, certainly agree with Senator Talmadge that this does expand the scope and object of the bill."

#### MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 3120 was deferred.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3125 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The department of transportation is authorized to enter into a cooperative agreement with the governing authority for the Indian peoples of the Quinault Indian Reservation and appropriate agencies of the United States for the location, design, right of way acquisition, construction, and maintenance of a highway beginning at the south boundary of the Quinault Indian reservation on state route number 109, thence northerly along the present right of way of state route number 109 to the township line, thence inland and northerly across the Raft river to an intersection with state route number 101 south of Queets. The highway shall be known as the "Tribal Highway" and may also be designated by the department as state route number 109. It is anticipated that this highway construction will be funded from federal sources other than normal federal aid highway allocations.

**NEW SECTION.** Sec. 2. As a part of the agreement, the department may assume responsibility for the operation and maintenance and future improvement of the highway. The agreement may also reserve to the governing authority for the Indian peoples of the Quinault Indian Reservation authority to construct public road intersections or grade separation crossings of the highway. Existing rights of access from adjoining property to existing state route number 109 from the south reservation boundary to the township line shall not be affected by sections 1 through 6 of this act or the agreement authorized by section 1 of this act.

**NEW SECTION.** Sec. 3. The department is authorized to determine the location of the highway from the township line to a junction with state route number 101 after consultations with the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs. The department may then proceed with the establishment of this section of the highway as a limited access facility in the manner prescribed in RCW 47.52.131 through 47.52.137 and 47.52.195 (and the administrative rules adopted by the department to implement those sections), subject, however, to the following conditions: (1) The access report required by RCW 47.52.131 shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation before public hearings; and (2) the final limited access plan adopted pursuant to RCW 47.52.137 at the conclusion of the public hearing, or after any appeal from it has been decided, shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs before right of way is acquired for this section of highway.

**NEW SECTION.** Sec. 4. The department is authorized to acquire the remaining right of way for the Tribal Highway by purchase or by condemnation under state or federal eminent domain statutes. The secretary of transportation pursuant to the agreement is authorized to convey by deed to the governing authority for the Indian peoples of the Quinault Indian Reservation the right of way to the entire highway when fully acquired in return for a conveyance by the governing authority for the Indian peoples of the Quinault Indian Reservation to the state of Washington of a perpetual easement for public travel on the through lanes and shoulders of the highway when constructed. The agreement may also authorize the governing authority for the Indian peoples of the Quinault Indian Reservation to convey to the United States an easement to construct, maintain, and repair the highway improvements if such an easement is required by regulations of the bureau of Indian affairs.

**NEW SECTION.** Sec. 5. Except as otherwise provided by sections 1 through 6 of this act or by the agreement authorized by section 1 of this act, the department may proceed with the location, design, acquisition of right of way, construction, and maintenance of the highway as an agent of the governing authority for the Indian peoples of the Quinault Indian Reservation in accordance with applicable state or federal law.

**NEW SECTION.** Sec. 6. The department is authorized to join with the governing authority for the Indian peoples of the Quinault Indian Reservation to seek federal funding for the construction of the Tribal Highway.

**NEW SECTION.** Sec. 7. Sections 1 through 6 of this act shall be added to chapter 47.20 RCW.

**NEW SECTION.** Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Peterson moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3125.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Peterson, can you in your memory recall any other highway that we have turned over to an Indian tribe in the state of Washington?"

Senator Peterson: "Yes, I think there are examples that have been done, in Yakima, I believe and I think also over in another section in Senator Barr's district we have done this."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate do concur in the House amendment to Substitute Senate Bill No. 3125.

The motion by Senator Peterson carried on a rising vote and the Senate concurred in the House amendment to Substitute Senate Bill No. 3125.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3125, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Barr, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Bender, Benitz, Cantu, Craswell, Granlund, Guess, Hayner, Johnson, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, von Reichbauer, Zimmerman - 19.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3125, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3179 with the following amendments:

On page 1, beginning on line 12, strike "This additional annual leave" and insert "Annual leave accumulated under RCW 43.01.044"

On page 1, after line 14, insert the following new paragraph:

"Should the legislature revoke any benefits or rights provided under this 1985 act, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual rights."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3179.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3179, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SENATE BILL NO. 3225 with the following amendments:

On page 1, line 8, after "Bank" insert "or in obligations issued or guaranteed by any multilateral development bank in which the United States government formally participates.

NEW SECTION, Sec. 2. A new section is added to chapter 30.04 RCW to read as follows:

Any bank or trust company may invest in obligations issued or guaranteed by any multilateral development bank in which the United States government formally participates. Such investment in any one multilateral development bank shall not exceed five percent of the bank's or trust company's paid-in capital and surplus.

NEW SECTION, Sec. 3. A new section is added to chapter 33.24 RCW to read as follows:

An association may invest in obligations issued or guaranteed by any multilateral development bank in which the United States government formally participates. Such investment in any one multilateral development bank shall not exceed five percent of the association's assets."

On page 1, line 1 of the title, after "Bank:" strike all material to and including "RCW" on line 2 and insert "adding a new section to chapter 30.04 RCW; adding a new section to chapter 32.20 RCW; and adding a new section to chapter 33.24 RCW".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 3225.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3225, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3225, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

SENATE BILL NO. 3225, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3261 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

As used in this chapter:

(1) "City" means a city or town; and

(2) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

NEW SECTION, Sec. 2. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall:

(a) Maintain the codes to which reference is made in section 5 of this act in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in section 5 of this act and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in section 5 of this act to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in section 5 of this act or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter 34.04 RCW.

All council decisions relating to the codes enumerated in section 5 of this act shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

NEW SECTION, Sec. 3. (1) The state building code council shall contract with a private entity to conduct a study and analysis of the codes referred to in section 5 of this act and related regulations of state and local agencies to ascertain the amount and nature of any conflict and inconsistencies. The findings and proposed solutions resulting from this study and analysis shall be submitted to the state building code council no later than September 1, 1987. The state building code council shall consider these findings and proposed solutions when carrying out its responsibilities under section 2 of this act.

(2) The state building code council shall conduct a study of county and city enforcement of the requirements of the codes to which reference is made in section 5 of this act. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations. The findings of the study shall be submitted in a report to the governor and the legislature no later than September 1, 1987.

(3) The study required under subsection (2) of this section shall include, but not be limited to, a review of the impact of discretionary building permit requirements imposed by local code enforcement personnel. This review shall be designed to determine the extent, if any, to which such discretionary requirements are based upon (a) the requirements of the state building code or (b) city or county amendments to the state building code.

NEW SECTION, Sec. 4. (1) There is hereby created the building code council account in the state treasury. Moneys deposited into the account shall be used by the building code council, after appropriation, to perform the purposes of the council.

(2) All moneys collected under subsection (3) of this section shall be deposited into the building code council account. Every four years the state treasurer shall report to the legislature on the balances in the account so that the legislature may adjust the charges imposed under subsection (3) of this section.

(3) There is imposed a fee of one dollar and fifty cents on each building permit issued by a county or a city. Quarterly each county and city shall remit moneys collected under this section to the state treasury; however, no remittance is required until a minimum of fifty dollars has accumulated pursuant to this subsection.

NEW SECTION, Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

Sec. 6. Section 2, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.020 are each amended to read as follows:

The purpose of this chapter is to ~~((provide building codes throughout the state. This chapter is designed to effectuate the following purposes, objectives and standards:~~

~~((1) To) promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes throughout the state. Accordingly, this chapter is designed to effectuate the following purposes, objectives, and standards:~~

~~((2)) (1) To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.~~

~~((3)) (2) To require standards and requirements in terms of performance and nationally accepted standards.~~

~~((4)) (3) To permit the use of modern technical methods, devices and improvements.~~

~~((5)) (4) To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.~~

~~((6)) (5) To provide for standards and specifications for making buildings and facilities accessible to and usable by physically ~~(handicapped)) disabled~~ persons.~~

~~((7)) (6) To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes.~~

Sec. 7. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 101, Laws of 1984 and RCW 19.27.030 are each amended to read as follows:

There shall be in effect in all ~~counties and cities~~ ~~(-towns, and counties))~~ of the state ~~((a state building code which shall consist of the following codes which are hereby adopted by reference:~~

~~(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;~~

~~(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;~~

~~(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association; PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;~~

~~(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials; PROVIDED, That chapters 11 and 12 of such code are not adopted;~~

~~(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and~~

~~(6)) the thermal performance and design standards for dwellings as set forth in RCW 19.27A.--- through 19.27A.--- (RCW 19.27.210 through 19.27.290 as recodified). This ((subsection)) section shall be of no further force and effect when RCW 19.27A.--- through 19.27A.--- (RCW 19.27.200 through 19.27.290 as recodified) expire as provided in RCW 19.27A.--- (RCW 19.27.300 as recodified).~~

~~((In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following:))~~

~~Sec. 8. Section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040 are each reenacted and amended to read as follows:~~

~~((On and after January 1, 1975;)) The governing body of each ((city, town or)) county or city is authorized to amend the state building code as it applies within ((its)) the jurisdiction ((in all such respects as shall be not less than)) of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020((--including, the authority to adopt any subsequent revisions to the codes in RCW 19.27.030(1), (2), (3), (4), (5), and (6), as now or hereafter amended; PROVIDED, That)) shall not be diminished by any county or city amendments. Amendments to RCW ((19.27.030(6), so adopted)) 19.27A.-- (RCW 19.27.030 as recodified) shall not result in structures that ((do not)) exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW ((19.27.030(6), as now or hereafter amended)) 19.27A.--(RCW 19.27.030 as recodified).~~

~~Nothing in this ((section)) chapter shall authorize any modifications of the requirements of ((chapter 35, Laws of 1967, or)) chapter 70.92 RCW.~~

~~Sec. 9. Section 5, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.050 are each amended to read as follows:~~

~~The state building code ((provided for in)) required by this chapter shall be ((administered and)) enforced by the ((respective governmental authorities)) counties and cities. Any ((governmental subdivision)) county or city not having a ((local)) building department ((may)) shall contract with another ((governmental subdivision)) county, city, or inspection agency approved by the ((local governmental body)) county or city for ((administration and)) enforcement of the state building code within its jurisdictional boundaries ((in accordance with chapter 39.34 RCW)).~~

~~Sec. 10. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 5, chapter 12, Laws of 1981 2nd ex. sess. and RCW 19.27.060 are each amended to read as follows:~~

~~(1) ((Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3), (4), (5), and (6) of this section, the state building code supersedes all county, city or town building regulations containing)) The governing bodies of counties and cities may amend the codes enumerated in section 5 of this 1985 act as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in section 5 of this 1985 act that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under section 2(1)(b) of this 1985 act. Any county or city amendment to a code enumerated in section 5 of this 1985 act which is approved under section 2(1)(b) of this 1985 act shall continue to be effective after any action is taken under section 2(1)(a) of this 1985 act without necessity of reapproval under section 2(1)(b) of this 1985 act unless the amendment is declared null and void by the council at the time any action is taken under section 2(1)(a) of this 1985 act because such action in any way altered the impact of the amendment.~~

~~(2) Except as permitted or provided otherwise under ((the provisions of RCW 19.27.040 and subsections (3), (4), (5), and (6) of)) this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any ((other)) governmental subdivision or unit of local government.~~

~~(3) The governing body of each county or city((--town or county)) may limit the application of any ((rule or regulation or)) portion of the state building code to ((include or)) exclude specified classes or types of buildings or structures((;)) according to use((--occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable)) other than single family or multifamily residential buildings; PROVIDED,~~

That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses(;) constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with ~~((an-F))~~ a B occupancy as defined by the uniform building code, ~~((chapter 6-1973))~~ 1982 edition, and with a city fire insurance ~~((classification))~~ rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) ~~((The))~~ No provision(s) of the uniform fire code concerning ~~((access))~~ roadways ~~((for fire department apparatus applying to dwellings which are classified as group R, division 3 occupancies or group M occupancies in the 1976 edition of the uniform building code.))~~ shall be ~~((applied at the discretion of the governing body of each city, town or county))~~ part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code are preempted by any physical standards adopted by the state jail commission under RCW 70.48.050 when the code provisions relating to the installation or use of sprinklers in the cells conflict with the standards and the secure and humane operation of jails.

Sec. 11. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 55, chapter 287, Laws of 1984 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code ~~((advisory))~~ council to be appointed by the governor.

(1) The state building code ~~((advisory))~~ council shall consist of ~~((the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and thirteen additional))~~ fifteen members ~~((who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction. The council may include state officials as ex officio, nonvoting members)),~~ two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the insurance commissioner and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on the effective date of this 1985 act may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated ~~((in accordance with RCW 43.03.240 and))~~ but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 12. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

The state building code ~~((advisory))~~ council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such code shall take into account regional climatic conditions; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

Sec. 13. Section 1, chapter 11, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.120 are each amended to read as follows:

(1) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, strengthening, or continued use of a building or structure may be made without conformance to all of the requirements of the codes adopted under (RCW 19.27.030) section 5 of this 1985 act, when authorized by the appropriate building official under the rules adopted under subsection (2) of this section, provided:

((+)) (a) The building or structure: (i) Has been designated by official action of a legislative body as having special historical or architectural significance, or (ii) is an unreinforced masonry building or structure on the state or the national register of historic places, or is potentially eligible for placement on such registers; and

((+)) (b) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

(2) The state building code council shall adopt rules, where appropriate, to provide alternative methods to those otherwise required under this chapter for repairs, alterations, and additions necessary for preservation, restoration, rehabilitation, strengthening, or continued use of buildings and structures identified under subsection (1) of this section.

Sec. 14. Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300 are each amended to read as follows:

RCW 19.27A.--- through 19.27A.--- (RCW 19.27.200 through 19.27.290 as recodified), as now or hereafter amended, shall expire at such time as the thermal performance standards are incorporated in the uniform building code and related standards as published by the international conference of building officials, and adopted by the legislature of the state of Washington.

Sec. 15. Section 2, chapter 134, Laws of 1983 and RCW 19.27.420 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.27A.--- through 19.27A.--- (RCW 19.27.420 through 19.27.460 as recodified).

(1) "Portable oil-fueled heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(2) "Oil" means any liquid fuel with a flash point of greater than one hundred degrees Fahrenheit, including but not limited to kerosene.

(3) "Listed" means any portable oil-fueled heater which has been evaluated in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, such as Underwriters Laboratories, Inc., and which has been authorized as being reasonably safe for its specific purpose and shown in a list published by such agency and/or bears the mark, name, and/or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth.

(4) "Approved" means any listed portable oil-fueled heater which is deemed approved if it satisfies the requirements set forth herein or adopted under RCW 19.27A.--- through 19.27A.--- (RCW 19.27.420 through 19.27.460 as recodified) and if the supplier certifies to the authority having jurisdiction over the sale and use of the heater that it is listed and in compliance with RCW 19.27A.--- through 19.27A.--- (RCW 19.27.420 through 19.27.460 as recodified).

(5) "Structure" means any building or completed construction of any kind included in state building code groups M, R-1, R-3, B-4 and B-2 occupancies, except sleeping rooms and bathrooms: PROVIDED, HOWEVER, That in B-2 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief.

(6) "Supplier" means any party offering to sell to retailers or to the general public approved portable oil-fueled heaters.

Sec. 16. Section 5, chapter 134, Laws of 1983 and RCW 19.27.450 are each amended to read as follows:

The state fire marshal is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.--- through 19.27A.--- (RCW 19.27.420 through 19.27.460 as recodified); PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27A.--- (RCW 19.27.040 as recodified).

Sec. 17. Section 6, chapter 134, Laws of 1983 and RCW 19.27.460 are each amended to read as follows:

The penalty for failure to comply with RCW 19.27A.--- through 19.27A.--- (RCW 19.27.420 through 19.27.460 as recodified) is a misdemeanor.

NEW SECTION. Sec. 18. RCW 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, and 19.27.905 are each recodified as part of a new chapter in Title 19 RCW to be designated chapter 19.27A RCW.

NEW SECTION. Sec. 19. RCW 19.27.030, 19.27.075, 19.27.130, 19.27.320, 19.27.410, 19.27.420, 19.27.430, 19.27.440, 19.27.450, and 19.27.460 are each recodified as part of a new chapter in Title 19 RCW to be designated as chapter 19.27A RCW."

On page 1, line 4 of the title, after "19.27 RCW;" insert "creating a new section; and" and on line 9, strike "; and making an appropriation".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3261 and asks the House for a Conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3261, and the House amendments thereto: Senators Thompson, Zimmerman and Rinehart.

#### MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3262 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 18.51 RCW to read as follows:

The department may deny a license to any applicant who has a history of significant non-compliance with federal or state regulations in providing nursing home care. In deciding whether to deny a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.

Sec. 2. Section 38, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.380 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications; PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses, and student nurses under the supervision of their clinical instructor, from administering medications when permitted to do so under chapter 18.88 RCW and rules promulgated pursuant thereto; PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules promulgated pursuant thereto; and

(c) Insuring that the licensed practical nurses comply with chapter 18.78 RCW ((and)), the registered nurses comply with chapter 18.88 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules promulgated pursuant thereto.

NEW SECTION, Sec. 3. A new section is added to chapter 74.42 RCW to read as follows:

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) It shall be unlawful for any nursing home which has a medicaid contract with the department:

(a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;

(b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;

(c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;

(d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;

(e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of

request for admission. This information shall be retained for one year from the month admission was requested.

(4) The department may assess monetary penalties of a civil nature, not to exceed one thousand dollars for each violation of this section.

(5) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(6) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility.

Sec. 4. Section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change.

All applications and fees for renewal of the license (~~and for change of ownership licenses~~) shall be submitted to the department not later than thirty days prior to the date of expiration of the license (~~or the date of the proposed change of ownership~~). All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 5. Section 2, chapter 114, Laws of 1979 and RCW 18.52A.020 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Nursing assistant" means a person who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the care of patients(~~(;)~~) in a facility licensed under chapter 18.51 RCW, ((under the direction and supervision of a registered nurse or licensed practical nurse)) a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(2) "Department" means the department of social and health services.

(3) "Nursing home" means a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(4) "Board" means the state board of nursing.

Sec. 6. Section 3, chapter 114, Laws of 1979 and RCW 18.52A.030 are each amended to read as follows:

(1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training program under this chapter, shall, upon application, be issued a certificate of completion.

(2) (~~After June 30, 1986;~~) All nursing assistants employed by a nursing home shall be required to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

(3) All nursing assistants who, on June 7, 1979, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.

(4) Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986, compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Substitute Senate Bill No. 3262.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3262, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3262, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognd, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senators McDermott, Pullen, Wojahn - 3.

Absent: Senators DeJarnatt, Hayner - 2.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3262, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SENATE BILL NO. 3267 with the following amendments:

On page 1, after line 8, insert the following:

\*Sec. 2. Section 2, chapter 121, Laws of 1965 ex. sess. as amended by section 53, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.021 are each amended to read as follows:

(1) No person, except ~~(those hereinafter)~~ as expressly exempted ((shall)) by this chapter, may drive any motor vehicle upon a highway in this state unless ((such)) 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 surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information 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. ~~((Violation of the provisions of this section is a misdemeanor.~~

~~((2))~~ (3) Any person licensed as a driver ~~((hereunder))~~ 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. 3. Section 3, chapter 148, Laws of 1980 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 ~~((at a time))~~ when his privilege so to do is suspended or revoked in this or any other state or when his policy of insurance or bond, when required under this chapter, ((shall have)) has been canceled or terminated, ((shall be)) is guilty of a gross misdemeanor((- PROVIDED, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section)). Upon the first conviction ((therefor, he)) for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction ((therefor)), he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction ((therefor)), he 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) ~~(The department)~~ Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension, the department shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

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

Sec. 4. Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess. and RCW 46.20.416 are each amended to read as follows:

Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status ~~((shall be))~~ is guilty of a gross misdemeanor. ((Upon a first conviction therefor, the person shall be punished by imprisonment of not less than ten days, nor more than six months. Upon the second such conviction therefor, the person shall be punished by imprisonment of not less than twenty days, nor more than one year. Upon the third such conviction therefor, the person shall be punished by imprisonment for one year. There may also be imposed in connection with each conviction a fine of not more than five hundred dollars.)) First, second, third, and subsequent violations of this section shall be punished in the same way as violations of RCW 46.20.342(1).

Sec. 5. Section 2, chapter 134, Laws of 1961 as amended by section 35, chapter 32, Laws of 1967 and RCW 46.20.420 are each amended to read as follows:

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. First, second, third, and subsequent violations of this section shall be punished in the same way as violations of RCW 46.20.342(1).

Sec. 6. Section 12, chapter 2, Laws of 1983 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

~~((If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.))~~

Sec. 7. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.160 relating to vehicle trip permits;

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

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

(9) RCW 46.20.342 relating to driving with a suspended or revoked license;

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

(11) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(12) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((13))~~ (13) Chapter 46.29 RCW relating to financial responsibility;

~~((14))~~ (14) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((15))~~ (15) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((16))~~ (16) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((17))~~ (17) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((18))~~ (18) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((19))~~ (19) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((20))~~ (20) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;

~~((21))~~ (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (22) RCW 46.52.210 relating to abandoned vehicles or hulks;

~~((23))~~ (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (27) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (30) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (31) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (32) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (35) RCW 46.64.020 relating to nonappearance after a written promise;

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

~~((36))~~ (37) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((37))~~ (38) 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;

~~((38))~~ (39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((39))~~ (40) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((40))~~ (41) Chapter 46.82 RCW relating to driver's training schools.

Sec. 8. Section 11, chapter 284, Laws of 1971 ex. sess. as last amended by section 6, chapter 62, Laws of 1979 and RCW 46.65.090 are each amended to read as follows:

(1) It ~~is~~ ~~unlawful~~ for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is ~~(thereafter)~~ convicted of operating a motor vehicle in this state while the order of revocation prohibiting such operation is in effect ~~((shall be))~~ is guilty of a gross misdemeanor ~~((the punishment for which shall be confinement in the county jail for not more than one year. PROVIDED, That any person who is convicted for the offense of operating a motor vehicle while under the influence of intoxicating liquor or drugs as defined in RCW 46.61.506, or the offense of failure to stop and give information or render aid as required in RCW 46.52.020, and is also convicted of operating a motor vehicle while the order of revocation is in effect, shall be confined in the county jail for not less than thirty days nor more than one year, and such sentence)). First, second, third, and subsequent violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1), except that the minimum sentence of confinement required shall not be suspended or deferred.~~

(2) Any person convicted for a first violation of subsection (1) of this section who is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, shall be punished in the same way as provided in RCW 46.20.342(1) except that the minimum sentence of confinement shall be not less than thirty days and shall not be suspended or deferred.

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

In line 1 of the title, after "licenses;" strike "and"

In line 1 of the title, after 46.20.315" and before the period, insert ", 46.20.021, 46.20.342, 46.20.416, 46.20.420, 46.52.100, 46.63.020, and 46.65.090; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3267.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3267, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3267, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

SENATE BILL NO. 3267, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3305 with the following amendments:

On page 3, beginning on line 29, strike all material through "hire," on line 34

On page 8, line 18, after "rates" and before the period, insert "because of below cost pricing of competitive telecommunications services"

On page 10, beginning on line 6, after "prices" strike all material through "service" on line 32  
 On page 27, line 33, strike "Sections 3 through 9" insert "Sections 1, 3 through 9, 41, and 44"  
 On page 1, line 9 of the title, after "80.54.010;" insert "and"  
 On page 1, line 9 of the title, after "RCW" strike all material through "sections" on line 10 of the title.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Substitute Senate Bill No. 3305.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3305, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCasin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Newhouse - 1.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3307 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 176, Laws of 1983 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before ~~((an))~~ a primary or general election; and

(d) Is received: ~~(i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.~~

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before ~~((an))~~ a primary or general election and: ~~(a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.~~

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within ~~((twenty-four))~~ forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and section 2 of this 1985 act shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and section 2 of this 1985 act.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding five thousand dollars within twenty-one days of a general election.

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

Any lobbyist registered under RCW 42.17.150, any person who lobbies, and any lobbyist's employer making a contribution that exceeds five hundred dollars shall file a special report in the manner provided under RCW 42.17.105 if the contribution is made before a primary or general election and: (1) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (2) within twenty-one days preceding that general election."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3307.

#### POINT OF ORDER

Senator Pullen: "Mr. President, I rise to the point of order that the House amendment expands the scope and object of the bill. I will be very brief because the President is always right in his rulings and sometimes I think it's better to just let him quietly contemplate the situation rather than to talk a lot on the floor. However, this does appear to be an expansionary amendment. We all know how bad expansionism and revisionism is and as a result I feel we definitely should challenge this on scope and object.

"Senator Talmadge in his own remarks indicated the changes that the House made and the expansion that the House made dealing with primary elections and dealing with adding the provision that it's unlawful to receive, whereas in the Senate version the words 'make only' were included in there. We all know that it's more blessed to give than to receive. Sometimes I wonder, however, and certainly when it comes to scope and object we need to be very, very careful and so I would urge the President to rule this out of scope and object."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 3307 was deferred.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3400 with the following amendments:

On page 4, after line 18, insert the following:

"Sec. 5. Section 12, chapter 64, Laws of 1970 ex. sess. as amended by section 4, chapter 215, Laws of 1984 and RCW 78.44.110 are each amended to read as follows:

The permit fees required under this chapter shall be as follows:

(1) The basic fee for the permit shall be two hundred fifty dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in RCW 78.44.130: PROVIDED, That permits for land not presently or previously engaged in surface mining on or after June 7, 1984, shall be twenty-five dollars per permit year. If a person holding a twenty-five dollar permit begins surface mining during the year, that person shall pay the remainder of the two-hundred fifty dollar fee.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in RCW 78.44.130.

(3) All fees collected shall be deposited in the general fund."

On page 2, line 34, after "and" insert "(1)"

On page 2, line 35, after "or" insert "(2)"

On page 1, line 2 of the title, after "79.14.030," strike the remainder of the title and insert "79.14.050, and 78.44.110."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 3400 and asks the House for a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 3400, and the House amendments thereto: Senators Owen, Patterson and Peterson.

#### MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 461 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the request for a conference on Engrossed Substitute House Bill No. 461 and the Senate amendment thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 461, and the Senate amendment thereto: Senators Bottiger, Lee and Vognild.

#### MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the request for a conference on Engrossed Second Substitute House Bill No. 627 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 627, and the Senate amendments thereto: Senators Warnke, Pullen and Vognild.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 804 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Scott, Rust and Allen, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on Engrossed Substitute House Bill No. 804 and the Senate amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 804, and the Senate amendment thereto: Senators Kreidler, McDonald and Vognild.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 805 and requests a conference thereon, and the same are herewith transmitted

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the request for a conference on Substitute House Bill No. 805 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 805, and the Senate amendments thereto: Senators Gaspard, Craswell and Bender.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 832 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on House Bill No. 832 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 832, and the Senate amendments thereto: Senators Williams, Cantu and Wojahn.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1001 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Rasmussen, the request for a conference on Engrossed House Bill No. 1001 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1001, and the Senate amendments thereto: Senators McDermott, Craswell and Rasmussen.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 625 and requests a conference thereon, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Vognild, the request for a conference on Substitute House Bill No. 625 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 625, and the Senate amendments thereto: Senators Warnke, Pullen and Fleming.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SENATE BILL NO. 3176 and again asks the Senate to concur therein, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate once again refuses to concur in the House amendment to Engrossed Senate Bill No. 3176 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House insists on its position regarding the House amendment to SENATE BILL NO. 4129 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Senate Bill No. 4129.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4129, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4129, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Bauer - 1.

SENATE BILL NO. 4129, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:34 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Cherberg.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed SENATE BILL NO. 3173 with the following amendments:

On page 2, after line 14, insert the following:

NEW SECTION. Sec. 2. The legislature finds that the protection of commercial and recreational shellfish areas is in the public interest and that state and local actions are necessary to preserve this valuable resource.

NEW SECTION. Sec. 3. (1) For purposes of this chapter, the department of ecology is directed to conduct reviews and assessments of commercial and recreational shellfish areas and designate the boundaries of each of these significant areas:

- (a) Closed but correctable;
- (b) High threat; or
- (c) Low threat.

(2) These designations shall not conflict with chapter 69.30 RCW regarding certification of commercial growing areas by the department of social and health services. As appropriate, the department of social and health services, local health authorities, department of game, department of natural resources, department of agriculture, and department of fisheries shall assist the department of ecology in assessing shellfish areas, developing minimum standards, and providing recommendations for shellfish protection.

(3) The department of ecology shall work cooperatively with local governments and local residents within these shellfish basin areas to prepare plans, policies, and programs to prevent contamination of shellfish that are deemed fit for human consumption and to provide strategies to restore to an acceptable status those shellfish resources not fit for human consumption and

located in designated areas. These cooperative efforts shall stress public education as the first priority and encourage voluntary compliance wherever possible.

(4) The department of ecology shall notify affected jurisdictions and private parties as soon as the shellfish areas have been designated and boundaries established and whenever such designations or boundaries are changed. Landfills adjacent to or within the drainage basin of a designated shellfish area shall be included within the boundaries established pursuant to this chapter. Public access to significant records leading to and justifying the designation shall be available in a local public building, including reports by the department of social and health services and local health authorities.

(5) The department of ecology shall periodically review and update the designations and boundaries as appropriate.

NEW SECTION. Sec. 4. The department of ecology and local governments are directed to work with affected residents and property owners to prepare and adopt action plans and regulations to reduce or eliminate adverse impacts on shellfish resources. Plans shall provide for:

- (1) Water quality and sanitary surveys;
- (2) Basin land use and drainage policies;
- (3) Public involvement and education, including the establishment of local citizen advisory committees;
- (4) Local conservation district participation;
- (5) Pollution prevention activities;
- (6) Pollution clean-up efforts;
- (7) A budget and financing outline; and
- (8) Department of ecology technical assistance.

NEW SECTION. Sec. 5. (1) Within one hundred eighty days after the effective date of this act, the department of ecology shall adopt minimum standards for the protection of shellfish resources and for the action plans to be prepared by local governments.

Local governments shall prepare and adopt plans within one year after the department of ecology's adoption of minimum standards and designation of significant areas as provided in section 3 of this act. The department of ecology shall provide funds to local governments for this purpose.

(2) Following local adoption, action plans shall be submitted to the department of ecology for approval. No moneys appropriated to the department of ecology shall be made available to local governments for implementation of the action plans until such plans have been approved by the department of ecology.

(3) State financial resources appropriated for purposes of this chapter, other than funds needed for assessment purposes, shall be targeted to those areas that have been designated as significant areas and that provide the greatest possible number of shellfish available for harvest per state dollar spent for protective measures.

(4) Minimum standards adopted by the department of ecology and local action plans may include requirements for financial participation by local government and by private parties that are direct beneficiaries of this section or are a direct cause of identified pollution problems that threaten the shellfish resource. Action plans shall seek to minimize the potential financial burdens imposed on private property owners resulting from the implementation of this section.

(5) Designation by the department of ecology of significant areas as provided in section 3 of this act may be appealed to the shorelines hearings board by any aggrieved person.

NEW SECTION. Sec. 6. It is hereby declared to be of high priority that projects for the Washington conservation corps personnel in counties adjacent to Puget Sound be devoted to efforts to clean up and prevent the pollution of Puget Sound and waters entering Puget Sound and to the protection of sensitive shellfish areas.

NEW SECTION. Sec. 7. If specific funding of sections 2 through 6 of this act, referencing this act by bill number, is not provided in the omnibus appropriations act for the fiscal year beginning July 1, 1985, sections 2 through 6 of this act shall be null and void.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act shall constitute a new chapter in Title 90 RCW.\*

In line 1 of the title, after "aquaculture," strike "and"

In line 2 of the title, after "9A.52.010" and before the period insert "; adding a new chapter to Title 90 RCW; and creating a new section",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

POINT OF ORDER

Senator Owen: "Mr. President, a point of order. I would ask a ruling on scope and object regarding the House amendments to Senate Bill No. 3173.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Owen, the President finds that Senate Bill No. 3173 is a measure prohibiting trespass on aquaculture lands or structures.

"The amendments proposed by the House of Representatives provide for state and local action to preserve commercial and recreational shellfish areas.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The House of Representatives amendments were ruled out of order.

## MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Senate Bill No. 3173 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SENATE BILL NO. 3202 with the following amendments:

On page 1, line 10, after "number" insert "where available"

On page 1, beginning on line 11, strike all of section 2

On page 1, beginning on line 1 of the title, after "36.21.060" strike "and 36.21.070",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Senate Bill No. 3202 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3307 and the pending House amendment deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed Substitute Senate Bill No. 3307 is a measure limiting campaign contributions by requiring reports on contributions exceeding \$500 received within 21 days of an election and making it unlawful to contribute more than \$5000 within 21 days of an election.

"The amendment proposed by the House of Representatives requires reports on contributions exceeding \$500 received prior to an election after certain reporting periods or within 21 days of a general election and makes it unlawful to make or receive contributions exceeding \$5000 within 21 days of a general election.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The House of Representatives amendment was ruled in order.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3307.

Debate ensued.

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

## MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3307.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3307 by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Benitz, Bluechel, Craswell, Guess, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Owen, Pullen, Saling, Zimmerman - 13.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, McCaslin - 2.

The President declared the question before the Senate to be final passage of Engrossed Substitute Senate Bill No. 3307, as amended by the House.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Mr. President, just so the record is clear, I'd like to request Senator Talmadge to yield to a question.

"Senator Talmadge, is a loan a contribution within the definition of the Public Disclosure Act?"

Senator Talmadge: "Senator, my understanding is a loan would be covered by the provisions of this bill."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, would a promise under the table that I'll take care of anything, let us say--"

Senator Talmadge: "That is prohibited now."

Senator Rasmussen: "That it would be taken care of as a debt later, that is prohibited under this bill?"

Senator Talmadge: "Senator, it's prohibited under the Public Disclosure Act now. That kind of promise to pay for some future situation must be treated as a contribution under the Public Disclosure Act as it is now set up."

Senator Rasmussen: "Well, if I never received a promise, but I had an understanding that would be prohibited--an understanding?"

Senator Talmadge: "Senator, you may shade off into gray areas of meaning that I don't understand, but I think the point is that if anybody makes any kind of promise or makes any kind of undertaking to provide financial recompense to anybody under the present Public Disclosure Act as it now stands, that must be treated as a contribution or a pledge that is reportable."

Senator Rasmussen: "Senator Talmadge, you haven't hit the point I want to get at. If I run a hundred thousand or two hundred thousand debt and then somebody comes in afterward and picks up my debt, is that prohibited under this--this law proposed?"

Senator Talmadge: "If there's no promise made?"

Senator Rasmussen: "There's no promise made."

Senator Talmadge: "I don't think it's within the meaning of the act. No. If there's any kind of promise made to pay in excess of five thousand dollars, that must not take place within that last twenty-one day period before the primary or general election."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3307, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3307, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Benitz, Bluechel, Craswell, Garrett, Guess, Kiskaddon, Metcalf, Owen, Pullen - 9.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3307, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 718 with the exception of the amendment to page 7, line 6, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate refuses to recede from the amendment on page 7, line 6, to Engrossed House Bill No. 718 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 718, and the Senate amendment thereto: Senators McDermott, Zimmerman and Warnke.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MOTION

On motion of Senator Vognild, Senator Kiskaddon was replaced as a member of the Conference Committee to Senate Bill No. 3207 by Senator Johnson.

## MOTION

On motion of Senator Bender, the Conference Committee appointment change was confirmed.

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

## REPORT OF STANDING COMMITTEE

April 22, 1985

SB 3712 Prime Sponsor, Senator McDermott: Relating to higher education.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3712 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended. Senate Bill No. 3712 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1985-63

by Senator McManus

WHEREAS, Mardan Stiffler moved at an early age with his family from Indiana to Washington State, in 1906, seventeen years after statehood for Washington was

declared and the family settled in Chimecum, Washington, where Marden's father taught school and some of his pupils were the characters in Betty McDonald's book, "The Egg and I" which was later made into a movie; and

WHEREAS, Helen Stiffler came to Washington State with her family from Missouri in 1918, graduated from Lincoln High School, attended the University of Washington, and worked for the law firm of Grinstead, Laube, Laughlin and Lichty in Seattle during Governor Martin's administration; and

WHEREAS, Marden Stiffler attended Ballard High School, the University of Washington and several colleges and universities in the midwest where he earned four degrees; and

WHEREAS, Helen and Marden were married in Evanston, Illinois, in 1930 where Marden was enrolled in Garrett and received his Bachelor of Divinity degree and later attended Northwestern graduate school; and

WHEREAS, Marden and Helen returned to Washington State in 1932 during the "Depression Days", and went to work with the Department of Public Works (welfare) in Seattle, Kirkland, and Bellevue; and

WHEREAS, In 1936, they accepted an opportunity to teach school in the Territory of Alaska for two years and thereafter, took a leave of absence to travel around the world visiting England, New Zealand, Australia, India, Ceylon (Sri-Lanka), and various islands in the South Pacific; and

WHEREAS, Marden and Helen returned to Washington State in 1942 for the birth of their daughter, Carole, and will be celebrating fifty-five exciting, romantic, and fulfilling years of marriage with their daughter and her family in September of this year;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in this 49th Session, That highest honors be bestowed upon Marden and Helen Stiffler for their contribution in adding color to the history of the State of Washington and considering the Seattle area and the beautiful Evergreen State as the "best part of the world" and their home.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Marden and Helen Stiffler who were seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Marden Stiffler to address the Senate.

#### MOTION

At 12:09 p.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 2:03 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3786 with the following amendments:

On page 4, line 22, after "establishment" insert "with the intent to deprive the owner of the shopping cart the use of the cart"

On page 4, line 24, after "establishment" insert "with the intent to deprive the owner of the shopping cart the use of the cart".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator von Reichbauer, Senators Guess and McCaslin were excused

## MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3786.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3786, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3786, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent, 8; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bluechel, Conner, McManus, Patterson, Pullen, Rinehart, Sellar, Stratton - 8.

Excused: Senators Bauer, Guess, McCaslin, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 3786, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Rinehart was excused.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3346 with the following amendments:

On page 12, beginning on line 30, strike everything down to and including "opportunities" on line 31 and insert "such underrepresentation"

On page 13, line 20, after "noncompliance" strike everything down to and including "act" on line 21 and insert "with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under sections 1(20), 5(21), and 6(5) of this act, whichever is appropriate"

On page 13, line 31, after "compliance" strike everything down to and including "opportunities" on line 35 and insert ", provided such action is not inconsistent with the rules adopted under sections 1(20), 5(21), and 6(5) of this act, whichever is appropriate"

On page 14, line 9, after "action" strike everything down to and including "opportunities" on line 13 and insert "deemed appropriate by the court which is consistent with the intent of this chapter".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3346.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3346, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3346, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bender, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, Moore, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Johnson, McDonald, Metcalf, Newhouse, Owen, Sellar - 12.

Absent: Senators Conner, McManus, Patterson - 3.

Excused: Senators Bauer, McCaslin, Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3346, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3356 with the following amendments:

On page 5, line 35, after "roads" strike "and" and insert ";

On page 6, line 1, after "process" insert "and, with the approval of the state department of transportation, state highways".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3356.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3356, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3356, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Voguild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Conner, Patterson - 2.

Excused: Senators Bauer, McCaslin, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 3356, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 546 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 546 was returned to second reading and read the second time.

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

On page 15, line 24, insert the following:

\*NEW SECTION. Sec. 17 This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.\*

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

On page 1, on line 1 of the title, strike "and" and on line 4, after "15.65.630" insert "; and declaring an emergency"

#### MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 546, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 546, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 546, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Conner, Owen - 2.

Excused: Senators Bauer, McCaslin, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 546, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 890 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 890 was returned to second reading and read the second time.

On motion of Senator Hansen, the following amendments were considered simultaneously and adopted:

On page 20, line 4, delete "cattle" and insert "livestock"

On page 20, line 14, delete "cattle" and insert "livestock"

#### MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 890, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 890, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 890, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Conner, Lee, Owen - 3.

Excused: Senators Bauer, McCaslin, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 890, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1084, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Wang, Patrick, McMullen, Sayan, Basich, Fisch, Gallagher, Ballard, Winsley, Hine, Ebersole, Todd and Dellwo) (by Joint Select Committee on Workers Compensation)

Revising vocational rehabilitation laws.

The bill was read the second time.

## MOTION

Senator McDermott moved the following amendment be adopted:

On page 4, line 3, after "injury." strike everything down to and including "purpose." on line 4

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDermott.

## ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 27; absent, 3; excused, 2.

Voting yea: Senators Bender, Fleming, Garrett, Gaspard, Goltz, Kreidler, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Warnke, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Owen, Patterson, Saling, Sellar, Thompson, Vognild, von Reichbauer, Zimmerman - 27.

Absent: Senators Barr, Conner, Pullen - 3.

Excused: Senators Bauer, McCaslin - 2.

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1084.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1084, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Zimmerman - 37.

Voting nay: Senators Garrett, Goltz, McDermott, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 9.

Absent: Senator McManus - 1.

Excused: Senators Bauer, McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SENATE BILL NO. 3420 with the following amendments:

On page 4, line 3, after "84.36.030" insert "and is used solely for the benefit of the poor and infirm. This subsection (h) applies only to taxes, penalties and interest under this section that have been assessed for the removal of property from classification under this chapter after September 1, 1977, and before July 1, 1980. Any person or entity who has paid taxes to which this subsection (h) applies may apply within one hundred and eighty days after the effective date of this act for a refund of the tax paid"

On page 4, beginning on line 4, delete all of section 2.

Renumber the sections consecutively and correct any internal references accordingly..

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Senate Bill No. 3420.

#### POINT OF INQUIRY

Senator Metcalf: "I was familiar with the bill, Senator McDermott, when it came through but maybe I didn't understand your explanation. Are you saying this amendment just refers to one piece of property or did it make the bill--does the amendment just refer to one piece of property?"

Senator McDermott: "Senator Metcalf, the piece of property that prompted all of this was donated to a youth group and the county, since it came out of open space, assessed penalties and fines and this group didn't have the money so they came in with this little bill and we sent over a general bill and the House amended it down so that it is only property which was transferred between September 1, 1977, and July 1, 1980, and that is one single piece of property."

Senator Metcalf: "The whole bill applies to one single piece of property?"

Senator McDermott: "Yes."

Senator Metcalf: "I thought the bill was pretty good the way it was. Did you move to concur with the House? I don't think we could concur without maybe upsetting the apple cart. Maybe I don't know the agenda here but I'm not very much in favor of the amendment."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. So that nobody thinks there's an ulterior motive, Camp Easter Seal, which takes care of retarded and handicapped children over by Purdy received the donation from a farmer of a piece of waterfront property. The farmer had held the property in open space and when he transferred it to Camp Easter Seal, the county imposed a nine thousand dollar fine because you were moving from one source of open space to another exempt source. That case was made, in my opinion. Senator Granlund introduced the bill; the House tightened it down so that nobody else out there who might have been moving property from one open space to another, like a timber company or anyone else could take advantage of the bill. If somebody else wants to come in and make a case, I'm sure they'd get a sympathetic ear as they did on this one."

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendments to Senate Bill No. 3420.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Senate Bill No. 3420.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3420, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3420, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,

Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, McCaslin - 2.

SENATE BILL NO. 3420, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Newhouse was excused.

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SENATE BILL NO. 3445 with the following amendment:

On page 1, line 22, beginning with "of" strike all the matter down to and including "~~town~~")" on line 26 and insert "(of) A park and recreation service area may purchase athletic equipment and supplies ~~((and)), and provide~~ for the upkeep of park buildings, grounds and facilities ~~((and (4) engaging)), and provide~~ custodial, recreational and park program personnel at any park or recreational facility owned or leased by the service area or a county, city or town."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Senate Bill No. 3445.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3445, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3445, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senators Bauer, McCaslin, Newhouse - 3.

SENATE BILL NO. 3445, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SENATE BILL NO. 3456 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 131, Laws of 1980 (uncodified) is amended to read as follows:

~~((Sections 1 through 4 of this 1980 act))~~ RCW 82.08.0286 and 82.12.0281 shall expire December 31, ((1986)) 1992.

Sec. 2. Section 13, chapter 196, Laws of 1979 ex. sess. as amended by section 3, chapter 157, Laws of 1980 and RCW 82.04.325 are each amended to read as follows:

The tax imposed by RCW 82.04.270(1) does not apply to any person who manufactures alcohol with respect to sales of said alcohol to be used in the production of gasohol for use as motor vehicle fuel, nor with respect to sales of gasohol for use as motor vehicle fuel. As used in this section, "motor vehicle fuel" has the meaning given in RCW 82.36.010(2), and "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume. This RCW section shall expire December 31, ~~((1986))~~ 1992.

Sec. 3. Section 2, chapter 157, Laws of 1980 and RCW 82.29A.135 are each amended to read as follows:

(1) For the purposes of this section, "alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or

other petroleum products for use as a fuel for motor vehicles, farm implements and machines or implements of husbandry.

(2) All leasehold interests in buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, the land upon which such property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, but not land necessary for growing of crops, which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility, are exempt from leasehold taxes for a period of six years from the date on which the facility or the addition to the existing facility becomes operational.

For alcohol manufacturing facilities which produce alcohol for use as alcohol fuel and alcohol used for other purposes, the amount of the leasehold tax exemption shall be based upon an annually determined percentage of the total gallons of alcohol produced that is sold and used as alcohol fuel.

(3) Claims for exemptions authorized by this section shall be filed with the department of revenue on forms prescribed by the department of revenue and furnished by the department of revenue. Once filed, the exemption is valid for six years and shall not be renewed. The department of revenue shall verify and approve such claims as the department of revenue determines to be justified and in accordance with this section. No claims may be filed after December 31, ~~((1986))~~ 1992.

The department of revenue may promulgate such rules, pursuant to chapter 34.04 RCW, as are necessary to properly administer this section.

Sec. 4. Section 3, chapter 131, Laws of 1980 as amended by section 4, chapter 342, Laws of 1981 and RCW 82.36.225 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry is exempt from the motor vehicle fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the gasoline portion of the blended fuel.

This section shall expire on December 31, ~~((1986))~~ 1992.

Sec. 5. Section 82.36.280, chapter 15, Laws of 1961 as last amended by section 5, chapter 131, Laws of 1980 and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use;

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

(3) Before December 31, ~~((1986))~~ 1992, in a commercial vehicle as defined in RCW 46.04.140 or a farm vehicle as defined in RCW 46.04.181, if the motor vehicle fuel consumed contains nine and one-half percent or more by volume of alcohol and the commercial vehicle or farm vehicle is operated off the public highways of this state.

Sec. 6. Section 4, chapter 131, Laws of 1980 as amended by section 7, chapter 342, Laws of 1981 and RCW 82.38.085 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles is exempt from the special fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate

imposed by RCW 82.38.030 shall be given for every gallon of alcohol used in an alcohol-special fuel blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the special fuel portion of the blended fuel.

This section shall expire on December 31, ~~((1986))~~ 1992.

Sec. 7, Section 1, chapter 157, Laws of 1980 and RCW 84.36.490 are each amended to read as follows:

(1) For the purposes of this section, "alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements and machines or implements of husbandry.

(2) All buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, the land upon which such property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, but not land necessary for growing of crops, which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility, are exempt from property taxation for the six assessment years following the date on which the facility or the addition to the existing facility becomes operational.

For alcohol manufacturing facilities which produce alcohol for use as alcohol fuel and alcohol used for other purposes, the amount of the property tax exemption shall be based upon an annually determined percentage of the total gallons of alcohol produced that is sold or used as alcohol fuel.

(3) Claims for exemptions authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption is valid for six years and shall not be renewed. The assessor shall verify and approve such claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, ~~((1986))~~ 1992.

The department of revenue may promulgate such rules, pursuant to chapter 34.04 RCW, as are necessary to properly administer this section."

On page 1, line 2 of the title, after "82.29A.135," insert "82.36.225, 82.36.280, 82.38.085,"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 3456.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3456, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3456, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warmke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, McCaslin, Newhouse - 3.

SENATE BILL NO. 3456, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3468 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 1, chapter 161, Laws of 1984 and RCW 43.200.015 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.

(1) "Board" means the nuclear waste board established in RCW 43.200.040.

(2) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.

(3) "Nuclear regulatory commission" means the United States nuclear regulatory commission or any successor agency responsible for approving construction of a repository for the long-term disposal of high-level radioactive waste and spent nuclear fuel.

(4) "Hanford candidate site" means the site identified by the United States department of energy as a potentially acceptable site for the disposal of spent nuclear fuel and high-level radioactive waste pursuant to the nuclear waste policy act of 1982.

(5) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

~~((4))~~ (6) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.

(7) "Radioactive waste" means both high-level and low-level radioactive waste.

(8) "Spent nuclear fuel" means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.

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

**NEW SECTION.** Sec. 2. A new section is added to chapter 43.200 RCW to read as follows:

The board shall monitor and evaluate the research performed by the federal department of energy that is undertaken for the purpose of determining the suitability of the Hanford candidate site for the location of a disposal facility for spent nuclear fuel and high-level radioactive waste. If the board is dissatisfied with the research performed by the federal department of energy, it shall conduct its own independent testing and evaluation activities, for which it shall seek funding from the federal government. The board shall report semiannually to the governor and the Washington state legislature on the results of research conducted under this section.

**NEW SECTION.** Sec. 3. A new section is added to chapter 43.200 RCW to read as follows:

(1) The board shall undertake studies: (a) To determine any potential economic, social, public health and safety, and environmental impacts of a repository for the long-term disposal of high-level radioactive waste and spent nuclear fuel on the state and its residents; (b) of the risks to the citizens of this state associated with the transportation of radioactive wastes by whatever mode into and through the state of Washington. The study shall include recommendations for state and local authorities on alternative routes for transportation of radioactive wastes which shall be developed in accordance with 49 C.F.R. part 177, appendix A. The study shall also examine the responsibilities and capabilities of state, local, and federal agencies to respond to transportation accidents involving radioactive waste and develop recommendations for improvement where needed to best protect the public health and safety. Progress reports on the study shall be made at each meeting of the board. The board shall set a completion date for the study to coincide with the need to establish state or local routing alternatives in accordance with the federal hazardous materials transportation act; (c) of the potential impacts of siting a repository for the long-term storage or disposal of high-level radioactive waste and spent nuclear fuel at the Hanford candidate site on the financial and technical resources of all affected state agencies and local governments. The board shall commence this study as soon as practicable and shall report on its progress in its semiannual reports required by RCW 43.200.020.

(2) The board shall develop a request for impact assistance to be submitted in the event the Nuclear Regulatory Commission approves construction of a repository at the Hanford candidate site.

(3) The board may undertake any other studies or activities for which it shall seek funding from the federal government.

Sec. 4. Section 14, chapter 161, Laws of 1984 and RCW 43.200.150 are each amended to read as follows:

The department shall provide administrative and technical staff support as requested by the board. As directed by the board, the department shall be responsible for obtaining and coordinating technical expertise necessary for board participation in nuclear waste programs and shall be responsible for ongoing technical coordination and administration of program activities. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible. The board and/or the department may contract with other state agencies to obtain expertise or input uniquely available from that agency. The board may contract with private

parties to obtain expertise or input necessary to perform any study required in this chapter, for which it shall seek funding from the federal government.

NEW SECTION, Sec. 5. A new section is added to chapter 43.200 RCW to read as follows:

The board shall seek federal funds pursuant to the nuclear waste policy act of 1982, section 116 (P.L. 97-425), for the activities authorized by this act. In the event federal funds are not granted, the board shall investigate potential legal causes of action.

NEW SECTION, Sec. 6. A new section is added to chapter 43.200 RCW to read as follows:

This chapter may be known and cited as the Radioactive Waste Act.

NEW SECTION, Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 2 of the title, after "43.200.015" strike the remainder of the title and insert ", 43.200.150; adding new sections to chapter 43.200 RCW; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Williams moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3468.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Substitute Senate Bill No. 3468.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3468 on a rising vote.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3468, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; absent, 3; excused, 4.

Voting yea: Senators Bailey, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Guess, Hayner, Johnson, Kiskaddon, Metcalf, Patterson, Pullen, Sellar - 12.

Absent: Senators Craswell, Deccio, Granlund - 3.

Excused: Senators Bauer, McCaslin, Newhouse, Owen - 4.

SUBSTITUTE SENATE BILL NO. 3468, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3540 with the following amendment:

On page 7, line 35, strike "~~((developmental disability))~~ mental" and insert "developmental disability".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 3540.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3540, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3540, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, McCaslin, Newhouse, Owen - 4.

SUBSTITUTE SENATE BILL NO. 3540, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3684 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary, to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, (ii) ~~(the payment of costs incurred in the operation and administration of the lottery, including the expenses of the lottery and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, but the payment of such costs shall not exceed fifteen percent of the gross annual revenue from such lottery, (iii) for the repayment of any moneys appropriated to the state lottery fund pursuant to sections 36 and 37, chapter 7, Laws of 1982 2nd ex. sess., and (iv) for)~~ transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund(~~;- PROVIDED-That no less than forty percent of the gross annual revenue from the sale of lottery tickets or shares shall be transferred to the state general fund~~); Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 2. Section 5, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the ~~((revolving fund))~~ state lottery account created by RCW ~~((67-70-269))~~ 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. Contracts exceeding two thousand five hundred dollars shall be competitively bid. For purposes of this subsection, "competitively bid" means a formal, documented competitive solicitation process which provides an equal and open opportunity to all qualified and interested parties and in which, in addition to cost, the selection may be based on criteria including but not limited to ability, capacity, experience, reputation, response to time limits, and compliance with laws relating to contracts or services. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer, the legislative budget committee, and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that

this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 67.70 RCW to read as follows:

No lottery employee, director, or commissioner shall, within a period of two years after termination of employment with the commission, accept employment or engage in any business or professional activity which state employees are prohibited from accepting or engaging in under chapter 42.18 RCW.

Sec. 4. Section 23, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.230 are each amended to read as follows:

There is hereby created and established a separate ~~((fund))~~ account, to be known as the state lottery ~~((fund))~~ account. Such ~~((fund))~~ account shall be managed, maintained, and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. The ~~((fund))~~ account shall be a separate ~~((fund))~~ account outside the state treasury. No appropriation is required to permit expenditures and payment of obligations from the ~~((fund))~~ account.

Sec. 5. Section 24, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery ~~((fund))~~ account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the ~~((revolving fund))~~ lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; ~~((and))~~ (4) for the ~~((payment of the amounts appropriated to the fund pursuant to sections 36 and 37, chapter 7, Laws of 1982 2nd ex. sess))~~ purchase and promotion of lottery games and game-related services; and (5) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

Sec. 6. Section 26, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.260 are each amended to read as follows:

There is hereby created ~~((a revolving fund into which shall be deposited sufficient money to provide for the payment of the costs incurred in the operation and administration of the lottery. The amount expended annually from the revolving fund shall never exceed fifteen percent of the gross annual revenue accruing from the sale of lottery tickets or shares. Such revolving fund))~~ the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director ((and shall be a separate and independent fund outside the state treasury. No appropriation is required to permit expenditures and payment of obligations from the fund)). The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery.

NEW SECTION. Sec. 7. On the effective date of this section, all moneys in the state lottery fund shall be transferred to the state lottery account and all moneys in the revolving fund created under RCW 67.70.260 shall be transferred to the lottery administrative account.

NEW SECTION. Sec. 8. There is hereby appropriated one million two hundred sixty-three thousand dollars from the lottery administrative account to the Washington state lottery for the biennium ending June 30, 1985, for the purposes contained in RCW 67.70.260.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act 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 May 1, 1985."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 3684 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3762 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 34, Laws of 1982 as amended by section 3, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.030 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in ~~((a single))~~ one or more offerings, general obligation bonds of the state of Washington in the sum of ninety-nine million dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, and contingency costs of the center, and to reimburse the general fund for expenditures in support of the project. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 2. A new section is added to chapter 67.40 RCW to read as follows:

To more accurately determine the total costs and revenues of the corporation formed under RCW 67.40.020 and to ensure accountability, promote flexibility, and increase profitability, the funds of the corporation shall be administered as an enterprise fund by the corporation, the state treasurer, and other state agencies. Administration and accounting of an enterprise fund, as applied by and to the corporation formed under RCW 67.40.020, includes the following additional powers and practices:

(1) Subject to approval by the office of financial management, the corporation may expend moneys for operational purposes in excess of the amount appropriated for such purposes to the extent the corporation receives or will receive additional operating revenues.

(2) Seventy-five percent of the income from the investment of the corporation's funds deposited in the general fund pursuant to RCW 43.84.090 including interest earned thereon, before and after the effective date of this act, shall be credited against any future borrowings by the corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.

NEW SECTION. Sec. 3. A new section is added to chapter 67.40 RCW to read as follows:

Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 43.03 RCW to read as follows:

Notwithstanding any provision of this chapter, employees of the corporation formed under RCW 67.40.020 shall be reimbursed for actual and reasonable travel and subsistence expenses incurred out of state for the purpose of marketing the convention center as may be requested or performed by the chief executive officer of the corporation subject to approval of the office of financial management. Reimbursement under this section may not be for promotional hosting expenditures.

Sec. 5. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 2, chapter 242, Laws of 1981 and RCW 43.84.090 are each amended to read as follows:

Except as otherwise provided by section 2 of this 1985 act, twenty percent of all income received from such investments shall be deposited in the state general fund.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, strike ", 43.84.080.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3762.

## POINT OF INFORMATION

Senator Newhouse: "A point of information, Mr. President. This bill by the digest authorizes the sale of six point some million dollars worth of bonds. Does it not then require thirty votes?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In keeping with previous rulings by the President, the point of information raised by Senator Newhouse, it is my opinion that Engrossed Senate Bill No. 3762 would require thirty votes for passage."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3762, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3762, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognd, von Reichbauer, Williams, Zimmerman - 38.

Voting nay: Senators Craswell, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Warnke, Wojahn - 10.

Excused: Senator Bauer - 1.

ENGROSSED SENATE BILL NO. 3762, as amended by the House, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SENATE BILL NO. 3765 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.67.030, chapter 7, Laws of 1965 and RCW 35.67.030 are each amended to read as follows:

Whenever the legislative body of any city or town, shall deem it advisable that such city or town shall purchase, acquire or construct any public utility mentioned in RCW 35.67.020, or make any additions (~~and~~), betterments, or alterations thereto, or extensions thereof, such legislative body shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may be (~~and the same shall be submitted for ratification or rejection to the qualified voters of such city or town at a general or special election, except in the following cases where no submission shall be necessary:~~

(1) When the adoption of a system of sewerage or system for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health;

(2) When no general indebtedness is to be incurred by such city or town in the acquiring, construction, maintenance or operation of such public utility, or when the work proposed is an addition or extension thereto or betterment thereof for which no general indebtedness is to be incurred by such city or town;

If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by a three-fifths majority of the qualified voters of such city or town voting at said election. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time: PROVIDED, HOWEVER, That where the proposition to be submitted includes a proposed levy of taxes in excess of the levy to which the same is or may be limited by statute or the Constitution of the state of Washington without a vote of the people, then the procedure to be followed in the holding of such election shall be as prescribed by such statutory or constitutional provision regulating the holding of special elections authorizing levies in excess of such limitation)).

NEW SECTION, Sec. 2. A new section is added to chapter 35.67 RCW to read as follows:

General obligation bonds issued by a city or town to pay for all or part of the costs of purchasing, acquiring, or constructing any public utility mentioned in RCW 35.67.020, or the costs of making any additions, betterments, or alterations thereto, or extensions thereof, shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 3. Section 35.67.110, chapter 7, Laws of 1965 as amended by section 1, chapter 118, Laws of 1965 and RCW 35.67.110 are each amended to read as follows:

(~~There shall be levied each year upon all taxable property within the city or town a tax sufficient to pay the interest on the bonds and the principal thereof as the same matures. These taxes shall become due and collectible as other taxes, in addition thereto~~) In addition to taxes

pledged to pay the principal of and interest on general obligation bonds issued to pay for costs of purchasing, acquiring, or constructing any public utility mentioned in RCW 35.67.020, or to make any additions, betterments, or alterations thereto, or extensions thereof, the city or town legislative body, may set aside into a special fund and pledge to the payment of such principal and interest any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse. In excess of the cost of operation and maintenance thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding. If the rates and charges are sufficient to meet the debt service requirements on such bonds no general tax need be levied.

Sec. 4. Section 35.92.010, chapter 7, Laws of 1965 and RCW 35.92.010 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

Sec. 5. Section 35.92.020, chapter 7, Laws of 1965 and RCW 35.92.020 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: PROVIDED, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 6. Section 35.92.025, chapter 7, Laws of 1965 and RCW 35.92.025 are each amended to read as follows:

Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. The equitable share may include interest charges applied from the date of construction of the water or sewer system until the connection, or for a period not to exceed ten years, at a rate commensurate with the rate of interest

applicable to the city or town at the time of construction or major rehabilitation of the water or sewer system, or at the time of installation of the water or sewer lines to which the property owner is seeking to connect but not to exceed ten percent per year: PROVIDED, That the aggregate amount of interest shall not exceed the equitable share of the cost of the system allocated to such property owners. Connection charges collected shall be considered revenue of such system.

Sec. 7. Section 2, chapter 208, Laws of 1975 1st ex. sess. as amended by section 2, chapter 164, Laws of 1977 ex. sess. and RCW 35.92.022 are each amended to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, alter, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: AND PROVIDED FURTHER, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

(a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;

(b) The sale of products resulting from such processing and conversion; and

(c) Any materials recovered during the processing of solid waste.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120. Any agreement for the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids.

Sec. 8. Section 35.92.030, chapter 7, Laws of 1965 and RCW 35.92.030 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants and facilities for the preparation and manufacture of all stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use them, and also fix the price of and sell such products for use in the construction of municipal improvements.

Sec. 9. Section 35.92.050, chapter 7, Laws of 1965 and RCW 35.92.050 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, and other means of power and facilities for lighting, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

Sec. 10. Section 35.92.060, chapter 7, Laws of 1965 as amended by section 2, chapter 25, Laws of 1981 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 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.

Sec. 11. Section 35.92.070, chapter 7, Laws of 1965 and RCW 35.92.070 are each amended to read as follows:

When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility (~~(or make any additions and betterments thereto or extensions thereof)~~), or make extensions thereof which would expand the previous service capacity by fifty percent or more, and where an amount of such increased service capacity equal to at least fifty percent of the previous service capacity is financed by the issuance of councilmanic general obligation bonds, it shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection ~~((to))~~ by majority vote of the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) ~~((When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;~~

~~((2))~~) When in the charter of a city ~~((or town))~~ a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities~~((, for which no general indebtedness is to be incurred));~~ or

~~((3))~~) (2) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any ~~((river or stream))~~ body of water and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant ~~((for which no general indebtedness shall be incurred by the city or town responsible for such contamination;~~

~~if a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election;~~

~~if no general indebtedness is to be incurred the proposition may be adopted by a majority vote)).~~

Ten days' notice of the election shall be given in the newspaper doing the city or town printing, by publication in each issue of the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

Sec. 12. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 23, chapter 186, Laws of 1984 and RCW 35.92.080 are each amended to read as follows:

~~((When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued.))~~ General obligation bonds may be issued by a city or town for the purposes of providing all or part of the costs of purchasing, acquiring, or constructing a public utility or making any additions, betterments, or alterations thereto, or extensions thereof. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest on and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) Section 35.22.380, chapter 7, Laws of 1965 and RCW 35.22.380;
- (2) Section 35.22.390, chapter 7, Laws of 1965 and RCW 35.22.390;
- (3) Section 35.22.400, chapter 7, Laws of 1965 and RCW 35.22.400; and
- (4) Section 35.67.070, chapter 7, Laws of 1965, section 22, chapter 186, Laws of 1984 and RCW 35.67.070."

On page 1, line 1 of the title, after "utilities;" strike the remainder of the title and insert "amending RCW 35.67.030, 35.67.110, 35.92.010, 35.92.020, 35.92.025, 35.92.022, 35.92.030, 35.92.050, 35.92.060, 35.92.070, and 35.92.080; adding a new section to chapter 35.67 RCW; and repealing RCW 35.22.380, 35.22.390, 35.22.400, and 35.67.070."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 3765.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3765, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3765, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nays: Senators Craswell, McCaslin, McDermott, Moore, Pullen, Rasmussen - 6.

Absent: Senator Benitz - 1.

Excused: Senator Bauer - 1.

SENATE BILL NO. 3765, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3792 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 30.04 RCW to read as follows:

(1) Notwithstanding any other provision of this title, a bank, with the prior approval of the supervisor, may purchase shares of its own capital stock. However, no bank may purchase and hold at any time more than five percent of its outstanding shares. Shares purchased under this section shall not be held for a period greater than six months.

(2) When a bank purchases such shares, its capital accounts shall be reduced appropriately. The shares shall be held as authorized but unissued shares, but may be resold at any time within six months after acquisition for a price equal to or greater than the higher of the acquisition price or par value. Except as provided in this subsection, shares shall not be sold without the prior written approval of the supervisor.

**NEW SECTION, Sec. 2.** A new section is added to chapter 30.04 RCW to read as follows:

Each person making a deposit in a bank or trust company shall be given a receipt that shall show or in conjunction with the deposit slip can be used to trace the name of the bank or trust company, the name of the account, the account number, the date, and the amount deposited. If specifically requested by the depositor when making the deposit, the receipt must expressly show the name of the bank or trust company, the date, the amount deposited, plus either the name of the account or the account number or both the name of the account and the account number.

**Sec. 3.** Section 30.04.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 157, Laws of 1983 and RCW 30.04.060 are each amended to read as follows:

The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once ~~((in each year))~~ **every eighteen months**, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations ~~((required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by))~~ **conducted at the direction of the federal reserve board or the Federal Deposit Insurance Corporation.** Any wilful false swearing in any examination is perjury in the second degree.

**Sec. 4.** Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 9, chapter 157, Laws of 1983 and RCW 30.04.230 are each amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state, other than a bank or trust company, may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title.

(2) Unless the terms of this section are complied with, an out-of-state bank holding company shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. ~~(1944)~~ 1841 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking ~~((and pay an investigation fee of five thousand dollars to the supervisor of banking))~~. The supervisor shall by rule establish the fee schedule to be collected from the applicant in connection with the application. The fee shall not exceed the cost of processing the application. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

Sec. 5. Section 2, chapter 246, Laws of 1977 ex. sess. and RCW 30.04.405 are each amended to read as follows:

(1) It is unlawful for any person to acquire control of a bank until thirty days after filing with the supervisor a completed application. The application shall be under oath and contain substantially all of the following information plus any additional information that the supervisor

may prescribe as necessary or appropriate in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(a) The identity, banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure for management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) Notwithstanding any other provision of this section, a bank or domestic bank holding company as defined in RCW 30.04.230 need only notify the supervisor of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(3) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person, as defined in RCW 30.04.400(3), who has an interest in or controls a person filing an application under this subsection.

(4) When a corporation is required to file an application under this section, the supervisor may require that information required by subsection (1)(a), (b), and (f) of this section be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(5) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C., Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C., Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(6) Any acquisition of control in violation of this section shall be ineffective and void.

(7) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues.

Sec. 6. Section 30.12.060, chapter 33, Laws of 1955 as last amended by section 5, chapter 136, Laws of 1969 and RCW 30.12.060 are each amended to read as follows:

(1) Any bank or trust company shall be permitted to make loans to any employee of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any employee to any other person, to the same extent as if the employee were in no way connected with the corporation. Any bank or trust company shall be permitted to make loans to any officer of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any officer to any other person: PROVIDED, That the total value of the loans made and obligation acquired for any one officer shall not exceed such amount as shall be prescribed by the supervisor of banking pursuant to regulations adopted in accordance with the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended: AND PROVIDED FURTHER, That no such loan shall be made, or obligation acquired, in excess of five percent of a bank's capital and unimpaired surplus or twenty-five thousand dollars, whichever is larger, unless a resolution authorizing the same shall be adopted by a vote of a majority of the board of directors of such corporation (~~(- at a meeting of the board of directors of such corporation held within thirty days)~~) prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes. In no event shall the loan or obligation acquired exceed five hundred thousand dollars in the aggregate without prior approval by a majority of the corporation's board of directors. No loan in excess of five percent of a bank's capital and unimpaired surplus or twenty-five thousand dollars, whichever is larger, shall be made by any bank or trust company to any director of such corporation nor shall the note or obligation in excess of five percent of a bank's capital and

unimpaired surplus or twenty-five thousand dollars, whichever is larger, of such director be discounted by any such corporation, or by any officer or employee thereof in its behalf, unless a resolution authorizing the same shall be adopted by a vote of a majority of the entire board of directors of such corporation exclusive of the vote of such interested director. ((at a meeting of the board of directors of such corporation held within ninety days prior to the making of such loan or discount;)) and such vote and resolution shall be entered in the corporate minutes. In no event may the loan or obligation acquired exceed five hundred thousand dollars in the aggregate without prior approval by a majority of the corporation's board of directors.

Each bank or trust company shall at such times and in such form as may be required by the supervisor, report to the supervisor all outstanding loans to directors of such bank or trust company.

The amount of any endorsement or agreement of suretyship or guaranty of any such director to the corporation shall be construed to be a loan within the provisions of this section. Any modification of the terms of an existing obligation (excepting only such modifications as merely extend or renew the indebtedness) shall be construed to be a loan within the meaning of this section.

(2) "Unimpaired surplus," as used in this section, consists of the sum of the following amounts:

(a) Fifty percent of the reserve for possible loan losses;

(b) Subordinated notes and debentures;

(c) Surplus;

(d) Undivided profits; and

(e) Reserve for contingencies and other capital reserves, excluding accrued dividends on preferred stock.

Sec. 7. Section 10, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.100 are each amended to read as follows:

If the supervisor approves the application, he shall notify the alien bank of his approval and shall file certified copies of its charter, certificate or other authorization to do business with the secretary of state ((and with the recording officer of the county in which the office is to be located)). Upon such filing, the supervisor shall issue a certificate of authority stating that the alien bank is authorized to conduct business through a branch or agency in this state at the place designated in accordance with this chapter. Each such certificate shall be conspicuously displayed at all times in the place of business specified therein.

The office of the alien bank must commence business within six months after the issuance of the supervisor's certificate: PROVIDED, That the supervisor for good cause shown may extend such period for an additional time not to exceed three months.

Sec. 8. Section 6, chapter 95, Laws of 1982 and RCW 30.42.115 are each amended to read as follows:

(1) Any branch of an alien bank that received approval of its branch application pursuant to RCW 30.42.090, or that had filed its branch application pursuant to RCW 30.42.060, on or before July 27, 1978, and any approved branch of an alien bank that has designated Washington as its home state pursuant to section 5 of the International Banking Act of 1978, shall have the same power to solicit and accept deposits as a state bank chartered pursuant to Title 30 RCW, except that acceptance of initial deposits of less than one hundred thousand dollars shall be limited to deposits of the following:

(a) Any business entity, including any corporation, partnership, association, or trust, that engages in commercial activity for profit: PROVIDED, That there shall be excluded from this category any such business entity that is organized under the laws of any state or the United States, is majority-owned by United States citizens or residents, and has total assets, including assets of majority owned subsidiaries, of less than one million five hundred thousand dollars as of the date of the initial deposit;

(b) Any governmental unit, including the United States government, any state government, any foreign government and any political subdivision or agency of the foregoing;

(c) Any international organization which is composed of two or more nations;

(d) Any draft, check, or similar instrument for the transmission of funds issued by the branch;

(e) Any depositor who is not a citizen of the United States and who is not a resident of the United States at the time of the initial deposit;

(f) Any depositor who established a deposit account on or before July 1, 1982, and who has continuously maintained the deposit account since that date: PROVIDED, That this subparagraph (f) of this subsection shall be effective only until July 1, 1985;

(g) Any other person: PROVIDED, That the amount of deposits under this subparagraph (g) of this subsection may not exceed four percent of the average of the branch's deposits for the last thirty days of the most recent calendar quarter, excluding deposits in the branch of other offices, branches, agencies, or wholly owned subsidiaries of the alien bank.

(2) As used in subsection (1) of this section, "initial deposit" means the first deposit transaction between a depositor and the branch. Different deposit accounts that are held by a depositor in the same right and capacity may be added together for purposes of determining the dollar amount of that depositor's initial deposit.

(3) Approved branches of alien banks, other than those described in subsection (1) of this section, may solicit and accept deposits only from foreign governments and their agencies and instrumentalities, persons, or entities conducting business principally at their offices or establishments abroad, and such other deposits that:

(a) Are to be transmitted abroad;

(b) Consist of collateral or funds to be used for payment of obligations to the branch;

(c) Consist of the proceeds of collections abroad that are to be used to pay for exported or imported goods or for other costs of exporting or importing or that are to be periodically transferred to the depositor's account at another financial institution;

(d) Consist of the proceeds of extensions of credit by the branch; or

(e) Represent compensation to the branch for extensions of credit or services to the customer.

(4) A branch may accept deposits, subject to the limitations set forth in subsections (1) and (3) of this section, only upon the same terms and conditions (including nature and extent of such deposits, withdrawal, and the payment of interest thereon) that banks organized under the laws of this state which are members of the Federal Reserve System may accept such deposits. Any branch that is not subject to reserve requirements under regulations of the Federal Reserve Board shall maintain deposit reserves in this state, pursuant to rules adopted by the supervisor, to the same extent they must be maintained by banks organized under the laws of this state which are members of the Federal Reserve System."

On page 1, line 1 of the title, after "banking;" strike the remainder of the title and insert "amending RCW 30.04.060, 30.04.230, 30.04.405, 30.12.060, 30.42.100, and 30.42.115; and adding new sections to chapter 30.04 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3792.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3792, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3792, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Benitz - 1.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3792, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SENATE BILL NO. 3829 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35, chapter 202, Laws of 1955 as amended by section 61, chapter 30, Laws of 1975 1st ex. sess. and by section 6, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.040 are each reenacted and amended to read as follows:

Every applicant for a certificate to practice medicine and surgery shall pay a fee determined by the director as provided in RCW ((43-24-085 as now or hereafter amended in addition to the application fee provided for herein, every applicant for licensure by examination shall pay an examination fee of one hundred dollars, which sum shall be refunded in the event the board determines that the applicant is not eligible for examination. In addition to the application fee provided for herein, every applicant for licensure by reciprocity or waiver of

examination shall pay a fee of fifty dollars. The director shall charge a fee of fifteen dollars for license certifications)) 43.24.086.

Sec. 2. Section 3, chapter 60, Laws of 1957 as last amended by section 7, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.050 are each amended to read as follows:

Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

(1) That ~~((he))~~ the applicant has attended and graduated from a school of medicine approved by the board;

(2) That ~~((he))~~ the applicant has completed ~~((one))~~ two years of postgraduate medical training in a program acceptable to the board, provided that applicants graduating before the effective date of this 1985 act may complete only one year of post-graduate medical training;

(3) That ~~((he))~~ the applicant is of good moral character;

(4) That ~~((he))~~ the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(5) That ~~((his))~~ the applicant's license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that ~~((he))~~ the applicant has not been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington.

Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary.

Sec. 3. Section 6, chapter 192, Laws of 1909 as last amended by section 10, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.070 are each amended to read as follows:

With the exception of those applicants granted licensure through the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure must successfully complete an examination administered by the board to determine their professional qualifications. The board shall prepare and give, or approve the preparation and giving of, an examination which shall cover those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine conferred by approved colleges or schools of medicine in the United States. Notwithstanding any other provision of law, the board shall have the sole responsibility for determining the proficiency of applicants under this chapter, and, in so doing, may waive any prerequisite to licensure not set forth in this chapter.

The board may by rule establish the passing grade for the examination ~~((and in so doing may grant credit based on experience. In no event, however, shall credit for experience exceed five percent of the total possible grade)).~~

Examination results shall be part of the records of the board and shall be permanently kept with the applicant's file.

Sec. 4. Section 36, chapter 202, Laws of 1955 as last amended by section 53, chapter 158, Laws of 1979 and by sections 54 and 55, chapter 158, Laws of 1979 and RCW 18.71.080 are each reenacted and amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended, on or before the first day of July of each year))~~ 43.24.086. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew ~~((his))~~ the license for a period of three years, shall in no event be entitled to renew ~~((his))~~ the license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 5. Section 11, chapter 134, Laws of 1919 as last amended by section 63, chapter 30, Laws of 1975 1st ex. sess. and by section 12, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.090 are each reenacted to read as follows:

Any applicant who meets the requirements of RCW 18.71.050 and has been licensed under the laws of another state, territory, or possession of the United States, or of any province of Canada, or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without

examination on the payment of the fees required by this chapter: PROVIDED, That ~~((he))~~ the applicant must file with the board a copy of ~~((his))~~ the license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

Sec. 6. Section 1, chapter 189, Laws of 1959 as last amended by section 13, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of ~~((one))~~ two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize ~~((him))~~ the physician to engage in any other form of practice. Each resident physician 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.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 RCW and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein.

Persons applying for licensure pursuant to this section shall pay an application fee ~~((of twenty-five dollars))~~ determined by the director as provided in RCW 43.24.086 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080 ~~((PROVIDED, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available))~~. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 7. Section 2, chapter 233, Laws of 1977 ex. sess. and RCW 18.71A.080 are each amended to read as follows:

(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed physician.

(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. ~~((In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.))~~

(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Senate Bill No. 3829.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3829, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3829, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Kiskaddon, Pullen - 3.

Absent: Senator Benitz - 1.

Excused: Senator Bauer - 1.

SENATE BILL NO. 3829, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SENATE BILL NO. 3851 with the following amendment:

On page 2, line 3, after "licensee," insert: "However, the application of the subsection to security officers is limited to casual, isolated incidents arising in the course of their duties and does not extend to continuous or frequent entering or remaining in any licensed premises."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Senate Bill No. 3851.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3851, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3851, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Metcalf, Patterson - 2.

Absent: Senator Deccio - 1.

Excused: Senator Bauer - 1.

SENATE BILL NO. 3851, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3852 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 36, chapter 260, Laws of 1984 (uncodified);
- (2) Section 37, chapter 260, Laws of 1984 (uncodified);
- (3) Section 38, chapter 260, Laws of 1984 (uncodified); and
- (4) Section 39, chapter 260, Laws of 1984 (uncodified).\*

On page 1, line 2 of the title, strike "amending" and insert "repealing"

On page 1, line 3 of the title, after "(uncodified)" insert "; repealing section 37, chapter 260, Laws of 1984 (uncodified); repealing section 38, chapter 260, Laws of 1984 (uncodified); and repealing section 39, chapter 260, Laws of 1984 (uncodified)".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3852.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3852, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3852, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

ENGROSSED SENATE BILL NO. 3852, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3856 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. The legislature finds that fire protection services have lacked a comprehensive state-level focus. This has resulted in a lack of cooperation and coordination between local and state agencies. The purpose of this chapter is to create a broadly representative state board which will: (1) Advise and assist local fire protection agencies in program development without encroaching upon their historic autonomy; (2) centralize traditional state fire protection services under the jurisdiction of a single state board; and (3) advise the governor and the legislature on fire protection matters in this state.

NEW SECTION. Sec. 2. There is created the state fire protection board consisting of the following ten members appointed by the governor with the advice and consent of the senate:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) Two full-time, paid, career fire fighters;

(6) One volunteer fire fighter; and

(7) One representative of fire commissioners.

The commissioner of public lands, the insurance commissioner, and the chairperson of the commission for vocational education, or their designees, are nonvoting ex officio members of the state fire protection board.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

**NEW SECTION.** Sec. 3. Each voting member of the state fire protection board shall be appointed to a term of three years and until a successor is appointed and qualified. However, in making the initial appointments to the board, the governor shall stagger the terms of office by appointing three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy, the governor shall fill the unexpired term of the member whose office has become vacant. An office shall become vacant whenever a member ceases to be employed in the occupation the member was appointed to represent.

**NEW SECTION.** Sec. 4. Members of the state fire protection board shall be compensated in accordance with RCW 43.03.240. Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 5. The governor shall select one member of the board to serve as chairperson. The board shall be convened at least six times annually at the call of the chairperson or a majority of the board. A majority of the board constitutes a quorum for the transaction of business.

**NEW SECTION.** Sec. 6. The state fire protection board shall:

- (1) Adopt and implement a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and encourage development of local arson control programs;
- (4) Represent fire protection services in all state level fire protection planning in matters such as, but not limited to, hazardous materials;
- (5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;
- (6) When funds are available, make grants for use in pursuing the board's objectives;
- (7) Promote mutual aid and disaster planning for fire services in this state;
- (8) Disseminate within the state information concerning the amount of fire damage, including that damage caused by arson, and its causes and prevention;
- (9) Make studies, reports, and recommendations to the governor and the legislature when requested or warranted; and
- (10) Adopt such rules as necessary for the administration of this chapter.

This section does not apply to forest fire service personnel and programs.

**NEW SECTION.** Sec. 7. The state fire protection board shall:

- (1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;
- (2) Establish and provide state-wide fire service training and education courses, including courses in arson detection and investigation, for personnel of fire, police, and prosecutors' departments;
- (3) Construct, equip, maintain, and operate necessary fire service training and education facilities. The board's authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- (4) Purchase, lease, rent, or otherwise acquire real estate necessary to establish and operate fire service training and education facilities in the manner provided by law;
- (5) Cooperate with the common schools, the community colleges, the institutions of higher education, and any department or division of the state or of any county or municipal corporation, in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof, and in establishing, building, and operating training and education facilities;
- (6) Administer the funds provided by the federal government and by the state under any federal or state acts for the promotion of fire service training and education; and
- (7) Adopt and implement a state fire training and education master plan.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee under rules established by the board.

**NEW SECTION.** Sec. 8. Any person who receives an adverse decision under this chapter may appeal that decision in accordance with chapter 34.04 RCW, the administrative procedure act.

**NEW SECTION.** Sec. 9. The board shall determine the qualifications of and employ a chief executive officer who shall be known as the director of fire protection.

NEW SECTION. Sec. 10. The director of fire protection shall supervise the staff necessary to carry out functions under the board's jurisdiction.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the office of the state fire protection board to the director appointed under section 9 of this act.

Sec. 12. Section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((commission for vocational education))~~ state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 13. Section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((commission for vocational education))~~ state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 14. Section 1, chapter 225, Laws of 1979 ex. sess. as amended by section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((commission for vocational education))~~ state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 15. Section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((commission for vocational education))~~ state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 16. Section .05.32, chapter 79, Laws of 1947 and RCW 48.05.320 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the ~~((commissioner))~~ state fire protection board, upon forms as prescribed and furnished by ~~((him))~~ the board, each fire loss of property in this state reported to it ~~((and of undetermined or suspected criminal origin))~~ and whether the loss is due to criminal activity or to undetermined causes.

(2) ~~((As may be requested by the commissioner.))~~ Each such insurer shall likewise report to ((him)) the board upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

Sec. 17. Section .33.03, chapter 79, Laws of 1947 and RCW 48.48.030 are each amended to read as follows:

(1) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

(3) Within his or her jurisdiction a resident fire marshal may exercise like powers as are conferred by subsections (1) and (2) of this section upon the state fire ((marshal)) protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire ((marshal or of any deputy state fire marshal)) protection board.

Sec. 18. Section .33.04, chapter 79, Laws of 1947 and RCW 48.48.040 are each amended to read as follows:

(1) In jurisdictions within this state other than those in which there is in force a comprehensive local fire prevention and safety code, the state fire protection board, through the state fire marshal or any deputy fire marshal, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) A resident fire marshal shall have authority to enforce within his or her jurisdiction such ordinances and laws relative to fire prevention and safety and use of premises as may be in force therein. In areas outside those covered by such local fire prevention and safety codes, the jurisdiction of any such resident fire marshal shall be subordinate to that of the state fire ((marshal)) protection board.

(3) In areas covered by such fire prevention and safety codes the state fire ((marshal)) protection board may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

Sec. 19. Section 1, chapter 70, Laws of 1972 ex. sess. as amended by section 3, chapter 198, Laws of 1981 and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire ((marshal who)) protection board, which shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the ((fire marshal)) state fire protection board shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire ((marshal)) protection board as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Sec. 20. Section .33.05, chapter 79, Laws of 1947 and RCW 48.48.050 are each amended to read as follows:

(1) If the state fire marshal or ((his)) the marshal's deputy finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the state fire marshal or a deputy state fire marshal may within five days after the date of the order appeal to the state fire ((marshal)) protection board. If the state fire ((marshal)) protection board confirms the order, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

Sec. 21. Section .33.06, chapter 79, Laws of 1947 as last amended by section 1, chapter 104, Laws of 1981 and RCW 48.48.060 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the state fire ((marshal)) protection board of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire

department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The state fire ((marshal)) protection board may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The state fire ((marshal)) protection board shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the state fire protection board, the state fire marshal, deputy state fire marshals, or resident fire marshals, acting within their jurisdiction, are vested with police powers to enforce the laws of this state. To exercise these powers, state deputy and resident fire marshals must receive prior written authorization from the state fire ((marshal)) protection board, and have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 22. Section 2, chapter 181, Laws of 1980 and RCW 48.48.065 are each amended to read as follows:

(1) Beginning September 1, 1980, the chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the state fire ((marshal)) protection board on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the state fire marshal. The state fire ((marshal)) protection board and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The state fire ((marshal)) protection board shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the state fire ((marshal)) protection board shall also furnish a copy of the report to any other interested person at cost.

Sec. 23. Section .33.07, chapter 79, Laws of 1947 and RCW 48.48.070 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the state fire ((marshal)) protection board shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

Sec. 24. Section .33.08, chapter 79, Laws of 1947 and RCW 48.48.080 are each amended to read as follows:

If as the result of any such investigation, or because of any information received by ((him); the state fire marshal)) if, the state fire protection board is of the opinion that there is evidence sufficient to charge any person with any crime, ((he)) it may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within ((his)) its possession relative to the offense.

Sec. 25. Section .33.09, chapter 79, Laws of 1947 and RCW 48.48.090 are each amended to read as follows:

The state fire ((marshal)) protection board shall keep on file ((in his office)) all reports of fires made to ((him)) it or to the commissioner pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the state fire ((marshal)) protection board, be withheld from public scrutiny. The state fire ((marshal)) protection board may destroy any such report after five years from its date.

Sec. 26. Section .33.11, chapter 79, Laws of 1947 as amended by section 71, chapter 75, Laws of 1977 and RCW 48.48.110 are each amended to read as follows:

The state fire ((marshal)) protection board shall submit annually a report to the governor of this state. The report shall contain a statement of ((his)) its official acts pursuant to this chapter.

Sec. 27. Section 2, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.020 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.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following agencies:

(a) The state fire ((marshal)) protection board;

(b) The prosecuting attorney of the county where the fire occurred;

(c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;

(d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

**NEW SECTION.** Sec. 28. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner pertaining to the office of the state fire marshal shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner in carrying out the powers and duties of the state fire marshal shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with the state fire marshal's office shall be assigned to the state fire protection board.

Any appropriations made to the insurance commissioner for the purpose of carrying out the powers and duties of the state fire marshal, shall, on the effective date of this act, be transferred and credited to the state fire protection board for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office, 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. 29. All classified employees of the state fire marshal's office are transferred to the jurisdiction of the state fire protection board. All such employees shall be subject to chapter 41.06 RCW, the state civil service law, and shall be assigned to the state fire protection 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. 30. All rules and regulations and all pending business before the state fire marshal's office on the effective date of this act shall be continued and acted upon under the jurisdiction of the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

**NEW SECTION.** Sec. 31. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office shall not affect the validity of any act performed by such employee prior to the effective date of this act.

**NEW SECTION.** Sec. 32. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education and pertaining to fire service training shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in fire service training shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with fire service training shall be assigned to the state fire protection board.

Any appropriations made to the commission for vocational education for fire service training shall, on the effective date of this act, be transferred and credited to the state fire protection board.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any 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. 33. All classified employees of the commission for vocational education engaged in fire service training are transferred to the jurisdiction of the state fire protection board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state fire protection 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. 34. All rules and regulations and all pending business before the commission for vocational education pertaining to fire service training shall be continued and acted upon by the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

**NEW SECTION.** Sec. 35. The transfer of the powers, duties, functions, and personnel of the commission for vocational education pertaining to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this act.

**NEW SECTION.** Sec. 36. If apportionments of budgeted funds are required because of the transfers directed by sections 28 through 35 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. 37. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;

(2) Section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010;

(3) Section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020;

(4) Section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; and

(5) Section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130.

**NEW SECTION.** Sec. 38. 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. 39. Sections 1 through 10 of this act are each added to chapter 48.48 RCW.

**NEW SECTION.** Sec. 40. This act shall take effect on January 1, 1986. However, to insure that this act is fully implemented on its effective date, the state fire protection board and its director shall be appointed in accordance with this act by October 1, 1985."

On page 1, on line 2 of the title, after "28C.51.010," strike the remainder of the title and insert "28C.51.050, 48.05.320, 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, and 48.50.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 48.48 RCW; creating new sections; repealing RCW 28C.04.140, 48.48.010, 48.48.020, 48.48.100, and 48.48.130; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3856.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3856, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3856, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bender, Boffiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kreidler, McCaslin, McDonald, Newhouse, Saling, Sellar, Williams, Wojahn, Zimmerman - 18.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3856, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3898 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 9, Laws of 1984 and RCW 18.59.040 are each amended to read as follows:

This chapter shall not be construed as preventing or restricting the practice, services, or activities of:

(1) A person licensed in this state under any other law from engaging in the profession or occupation for which the person is licensed;

(2) A person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the directions or control of the organization by which the person is employed;

(3) A person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title which clearly indicated the person's status as a student or trainee;

(4) A person fulfilling the supervised fieldwork experience requirements of RCW 18.59.050, if the activities and services constitute a part of the experience necessary to meet the requirements of RCW 18.59.050;

(5) A person performing occupational therapy services in the state, if the services are performed for no more than ninety working days and if:

(a) The person is licensed under the laws of another state which has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board; or

(b) The person has met commonly accepted standards for the practice of occupational therapy as specifically defined by the board;

(6) A person employed by or supervised by an occupational therapist as an occupational therapy aide; ((or))

(7) A person with a limited permit. A limited permit may be granted to persons who have completed the education and experience requirements of this chapter, or education and experience requirements which the board deems equivalent to those specified as requirements for licensure. The limited permit allows the applicant to practice in association with an occupational therapist. The limited permit is valid until the results of the next examination have been made public. One extension of this permit may be granted if the applicant has failed the examination, but during this period the person shall be under the direct supervision of an occupational therapist;

(8) Any persons who teach daily living skills, develop prevocational skills, and play and avocational capabilities, or adapt equipment or environments for the handicapped, or who do specific activities to enhance cognitive, perceptual motor, sensory integrative and psychomotor skills, but who do not hold themselves out to the public by any title, initials, or description of services as being engaged in the practice of occupational therapy; or

(9) Any person who designs, fabricates, or applies orthotic or prosthetic devices which are prescribed by a health care professional authorized by the laws of the state of Washington to prescribe the device or to direct the design, fabrication or application of the device.

NEW SECTION, Sec. 2. A new section is added to chapter 43.131 RCW to read as follows:

The regulation of occupational therapy under chapter 18.59 RCW shall be terminated on June 30, 1990, as provided in section 3 of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts are each repealed, effective June 30, 1991:

- (1) Section 2, chapter 9, Laws of 1984 and RCW 18.59.010;
- (2) Section 3, chapter 9, Laws of 1984 and RCW 18.59.020;
- (3) Section 4, chapter 9, Laws of 1984 and RCW 18.59.030;
- (4) Section 5, chapter 9, Laws of 1984 and RCW 18.59.040;
- (5) Section 6, chapter 9, Laws of 1984 and RCW 18.59.050;
- (6) Section 7, chapter 9, Laws of 1984 and RCW 18.59.060;
- (7) Section 8, chapter 9, Laws of 1984 and RCW 18.59.070;
- (8) Section 9, chapter 9, Laws of 1984 and RCW 18.59.080;
- (9) Section 10, chapter 9, Laws of 1984 and RCW 18.59.090;
- (10) Section 11 chapter 9, Laws of 1984 and RCW 18.59.100;
- (11) Section 12, chapter 9, Laws of 1984, section 58, chapter ... (SB 3041), Laws of 1985 and RCW 18.59.110;

(12) Section 13, chapter 9, Laws of 1984 and RCW 18.59.120;

(13) Section 14, chapter 9, Laws of 1984 and RCW 18.59.130;

(14) Section 17, chapter 9, Laws of 1984 and RCW 18.59.140;

(15) Section 15, chapter 9, Laws of 1984 and RCW 18.59.150;

(16) Section 16, chapter 9, Laws of 1984 and RCW 18.59.200;

(17) Section 1, chapter 9, Laws of 1984 and RCW 18.59.900; and

(18) Section 21, chapter 9, Laws of 1984 and RCW 18.59.905."

On page 1, line 2 of the title, strike "and creating a new section" and insert "; adding new sections to chapter 43.131 RCW; and repealing RCW 18.59.010, 18.59.020, 18.59.030, 18.59.040, 18.59.050, 18.59.060, 18.59.070, 18.59.080, 18.59.090, 18.59.100, 18.59.110, 18.59.120, 18.59.130, 18.59.140, 18.59.150, 18.59.200, 18.59.900, and 18.59.905";

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3898.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3898, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3898, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hansen, McDonald - 2.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3898, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3904 with the following amendment:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 253, Laws of 1957 and RCW 18.20.010 are each amended to read as follows:

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein. It is further the intent of the legislature that boarding homes be available to meet the needs of those for whom they care by recognizing the capabilities of individuals to direct their self-medication or to use supervised self-medication techniques when ordered and approved by a physician licensed under chapter 18.57 or 18.71 RCW or a podiatrist licensed under chapter 18.22 RCW.

Sec. 2. Section 16, chapter 253, Laws of 1957 as amended by section 1, chapter 43, Laws of 1975 1st ex. sess. and RCW 18.20.160 are each amended to read as follows:

No person operating a boarding home licensed under this chapter shall admit to or retain in the boarding home any aged person requiring nursing or medical care of a type provided by institutions licensed under chapters 18.51, 70.41 or 71.12 RCW, except that when registered nurses are available (~~from a visiting nurse service or home health agency or from an adjacent or nearby skilled nursing facility or one located in the facility~~), and upon a doctor's order that a supervised medication service is needed, it may be provided. Supervised medication services, as defined by the department, may include an approved program of self-medication or self-directed medication. Such medication service shall be provided only to ~~((ambulatory))~~ boarders who otherwise meet all requirements for residency in a boarding home."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3904.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3904, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3904, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hansen, Kreidler - 2.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3904, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3911 with the following amendment:

On page 6, beginning on line 2, strike all of subsection (18) and insert "(18) To contract with a public authority or corporation, created by a county, city or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3911.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3911, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3911, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Benitz, Cantu, Craswell, Hayner, Kiskaddon, McCaslin, McDonald, Pullen - 8.

Absent: Senator Hansen - 1.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3911, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Fleming was excused.

#### MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3920 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1987.

NEW SECTION, Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State .....	\$	305,000
Highway Safety Fund Appropriation—Federal .....	\$	4,744,000
Total Appropriation .....	\$	5,049,000
<b>NEW SECTION, Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS</b>		
General Fund—Pilotage Account Appropriation .....	\$	80,000
<b>NEW SECTION, Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD</b>		
Motor Vehicle Fund—Rural Arterial Trust Account Appropriation .....	\$	21,042,000
Motor Vehicle Fund Appropriation .....	\$	676,000
Total Appropriation .....	\$	21,718,000

The appropriations in this section are subject to the following conditions and limitations: In utilizing the moneys provided by this section for implementation of a pavement management system, installation and training for a micro-computer network, and completion of the road jurisdiction and revenue distribution study, the county road administration board shall evaluate the cost-effectiveness of utilizing consultants or other nonagency personnel to undertake these projects. If the board finds it necessary to hire additional agency personnel for these activities, it shall be on the express understanding that such employment is on a project basis and temporary in nature. Prior to implementation, the board shall provide a detailed report to the legislative transportation committee.

**NEW SECTION, Sec. 5. FOR THE URBAN ARTERIAL BOARD**

Motor Vehicle Fund—Urban Arterial Trust Account Appropriation .....	\$	68,486,000
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The appropriation includes \$50,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

**NEW SECTION, Sec. 6. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU**

Motor Vehicle Fund—State Patrol Highway Account Appropriation .....	\$	86,582,000
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The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

**NEW SECTION, Sec. 7. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU**

Motor Vehicle Fund—State Patrol Highway Account Appropriation .....	\$	31,696,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The state patrol shall conduct a study to determine the level of fees that would be necessary to recover the actual costs incurred in providing training services to other law enforcement agencies at the state patrol academy.

(2) Up to \$250,000 is provided to implement the recommendations of the legislative transportation committee study of the budget, accounting, and other related systems of the state patrol. No moneys may be expended under this subsection without the prior approval of the legislative transportation committee.

(3) The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

**NEW SECTION, Sec. 8. FOR THE STATE PATROL**

(1) Minor repairs and improvements (CR-83-1-R02)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
243,000		263,000

(2) Port of entry station: Bellingham (CI-83-R-006)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct	450,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
13,000		463,000

(3) Minor works request: Capital renewal (CR-86-1-002)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		525,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		525,000

(4) Minor works request (CI-86-3-003)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		166,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
(5) Asbestos removal: Tacoma office (CR-86-1-004)		166,000
	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		108,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
(6) Emergency repairs (CR-86-1-005)		108,000
	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
(7) Multi-purpose building: Patrol academy (CI-86-3-006)		50,000
	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		1,890,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
(8) District headquarters: Bremerton (CI-86-3-013)		1,890,000
	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		1,042,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$ 32,891,000
Game Fund Appropriation	\$ 323,000
Total Appropriation	\$ 33,214,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle fund appropriation includes an amount not to exceed \$6,270,100 for the county auditor and subagent automation project, of which not more than \$100,000 may be expended by the department for costs of implementing the county auditor and subagent automation project in counties of the fourth class or smaller. Computer terminal equipment purchased for the county auditor automation project shall be provided only to the auditors or licensing divisions of the 39 counties, the presently authorized 157 subagents, and the department of licensing's vehicle licensing counter. The department shall by January 13, 1986, present to the legislative transportation committee a detailed report on implementation of the county auditor automation project, including equipment purchased and installed.

NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$ 2,056,000
Highway Safety Fund Appropriation	\$ 30,005,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$ 193,000
Total Appropriation	\$ 32,254,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

NEW SECTION, Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

Game Fund Appropriation	\$ 7,000
Highway Safety Fund Appropriation	\$ 4,461,000
Motor Vehicle Fund Appropriation	\$ 2,361,000
Total Appropriation	\$ 6,829,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$300,000 is provided for the micro-optic pilot project. The department shall report the status of the project to the legislative transportation committee by December 31, 1985.

**NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS**

Game Fund Appropriation	\$	4,000
Highway Safety Fund Appropriation	\$	3,538,000
Motor Vehicle Fund Appropriation	\$	11,687,000
Total Appropriation	\$	15,229,000

**NEW SECTION, Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund Appropriation	\$	1,800,000
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**NEW SECTION, Sec. 14. FOR THE TRANSPORTATION COMMISSION**

General Fund—Aeronautics Account Appropriation	\$	1,000
General Fund Appropriation	\$	2,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	15,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	49,000
Motor Vehicle Fund Appropriation	\$	401,000
Total Appropriation	\$	468,000

The appropriations in this section are provided for the salaries, wages, and other expenses necessary for the operation of the transportation commission and commission staff as provided by RCW 47.01.061.

**NEW SECTION, Sec. 15. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A**

Motor Vehicle Fund Appropriation—State	\$	109,000,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	124,000,000
Total Appropriation	\$	233,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. Any amounts expended during the 1983-85 biennium from the motor vehicle fund—state appropriation in excess of the amount appropriated under section 21, chapter 53, Laws of 1983 1st sess. as amended by chapter 2, Laws of 1984 shall be transferred to reserve status from amounts appropriated from the motor vehicle fund—state by this section.

If federal funds become available for the Mt. St. Helens road, the transportation commission, in consultation with the legislative transportation committee, shall seek unanticipated receipts for design and construction of the Mt. St. Helens road.

**NEW SECTION, Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B**

Motor Vehicle Fund Appropriation—State	\$	52,000,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	478,000,000
Total Appropriation	\$	530,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The appropriation of \$52,000,000 in state funds includes \$32,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$19,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

In the event federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

**NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C**

Motor Vehicle Fund Appropriation—State	\$	137,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	138,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$65,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

\$4,000,000 of the motor vehicle fund—state appropriation or so much thereof as is necessary is provided for preconstruction activities on new projects to be selected by the transportation commission. Funding of these activities shall be derived from underexpenditures in motor vehicle fund—state appropriations in the 1983-1985 biennium to the extent they become available.

**NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D**

Motor Vehicle Fund Appropriation ..... \$ 28,583,000

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

\$2,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other related studies.

**NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F**

General Fund—Aeronautics Account Appropriation—State ..... \$ 1,270,000

General Fund—Aeronautics Account Appropriation—Federal ..... \$ 91,000

Total Appropriation ..... \$ 1,361,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a statewide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the first of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, cause No. 239168.

**NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F**

General Fund—Search and Rescue Account Appropriation ..... \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

**NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M**

Motor Vehicle Fund Appropriation ..... \$ 174,195,000

The appropriation in this section is for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support. The appropriation includes \$300,000 to be used solely for increased maintenance and other operational activities designed to accommodate additional highway traffic and visitors to the state enroute to the 1986 World Exposition.

**NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P**

Motor Vehicle Fund Appropriation ..... \$ 14,043,000

The appropriation in this section is provided for the management and support of the highway programs, for any necessary increase in stores, for necessary pit and stockpile sites and write-off of obsolete stores, pits, and stockpiles.

**NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R**

Motor Vehicle Fund Appropriation—State ..... \$ 1,450,000

Motor Vehicle Fund Appropriation—Federal and Local ..... \$ 93,949,000

Total Appropriation ..... \$ 95,399,000

The appropriations in this section are provided for the County-City Program—Program R. The appropriations are subject to the following conditions and limitations:

(1) The appropriations contain \$309,000 of state funds and \$93,549,000 of federal and local funds for reimbursable expenditures for the location, design, right of way, construction, and maintenance on city streets and county roads and other nonstate highways, and miscellaneous sales and services, including the unexpended balance of state funds from the sale 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 and/or federal laws, and for expenditures through federal emergency relief acts.

(2) The appropriations contain \$241,000 of state funds for expenditures in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operations and maintenance to Wahkiakum county).

(3) The appropriations contain \$900,000 for the guarantee, pursuant to RCW 47.56.712, for the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(4) The appropriations contain \$400,000 of local funds to guarantee bond payments in the Astoria-Megler bridge pursuant to RCW 47.56.646.

**NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S**

General Fund—Aeronautics Account Appropriation	\$	8,000
General Fund Appropriation	\$	19,000
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation	\$	167,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	473,000
Motor Vehicle Fund Appropriation	\$	23,707,000
Total Appropriation	\$	24,374,000

The appropriations in this section are provided for executive management, management services, and costs billed to the department of transportation by other agencies.

**NEW SECTION, Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T**

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	536,000
General Fund Appropriation—Federal	\$	4,664,000
General Fund Appropriation—Local	\$	190,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	3,438,000
Motor Vehicle Fund Appropriation—Federal	\$	12,619,000
Total Public Transportation and Planning Appropriation	\$	21,447,000

The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for studies which support local public transportation programs, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

**NEW SECTION, Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T**

General Fund Appropriation—State	\$	55,000
Motor Vehicle Fund Appropriation—Federal	\$	110,000
Total Appropriation	\$	165,000

The appropriations in this section are provided for the completion of a cooperative study between the department of transportation and the Washington public ports association to develop a long-range strategic planning document for each mode of transportation and its impact on the future economic growth of the state as initially authorized in section 403, chapter 285, Laws of 1984.

**NEW SECTION, Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W**

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation	\$	3,958,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	46,400,000
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—State	\$	56,300,000
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—Federal	\$	7,300,000
Total Appropriation	\$	113,958,000

The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes up to \$14,500,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505.

(3) The Puget Sound capital construction account appropriation is 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 appropriation of state funds from the Puget Sound capital construction account contains \$20,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out the projects presented to the transportation committees of the senate and house of representatives. The department of transportation shall consult with the legislative transportation committee prior to revising the programming of these projects or adding new projects.

(5) Savings realized in marine operations as of the end of the fiscal period shall be placed into reserve status and no expenditure shall be made from that reserve without consulting with the legislative transportation committee and obtaining the approval of the office of financial management pursuant to RCW 43.88.110.

(6) The results of the passenger-only ferry study using leased vessels shall be reported to the legislative transportation committee during the 1986 regular session of the legislature.

**NEW SECTION, Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION**

General Fund Appropriation—Federal ..... \$ 1,200,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation shall be fully reimbursable from federal funds.

**NEW SECTION, Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION**

Motor Vehicle Fund—RV Account Appropriation Transfer:

For transfer to the Motor Vehicle Fund ..... \$ 391,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

**NEW SECTION, Sec. 30. FOR THE STATE TREASURER—TRANSFER**

Motor Vehicle Fund Appropriation—State ..... \$ 3,000,000

The appropriation in this section is for transfer to the Puget Sound capital construction account on August 1, 1985: PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1985, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.

**NEW SECTION, Sec. 31.** Not more than \$60,000 of the department of transportation's appropriation contained in this act is provided for the SNO-LINE information system. It is the intent of the legislature that the department of transportation convert to a self-supporting SNO-LINE information system.

Sec. 32. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 161, chapter 151, Laws of 1979 and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made:

(2) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and related studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 33. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 1, chapter ... (SHB 321), Laws of 1985 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the

county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and related studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 34. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 35. The department of transportation may, after consultation with the legislative transportation committee, transfer any motor vehicle fund appropriations contained in sections 18, 22, and 24 of this act into sections 15 and 17 of this act.

NEW SECTION. Sec. 36. It is the intent of the legislature that the amounts assumed in this act and any other acts for all revolving funds for services provided by other agencies shall not be exceeded without the prior approval of the legislative transportation committee.

NEW SECTION. Sec. 37. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 38. The legislature recognizes the economic importance to the state of maintaining highway facilities at and near international border crossings which promote the efficient movement of highway traffic through customs checkpoints with as little delay to the motorist and inconvenience to border communities as is reasonably possible. To the maximum extent feasible, the transportation commission and the department of transportation shall consider the unique transportation needs present on highway routes crossing the international border in determining priorities for capital expenditures.

NEW SECTION. Sec. 39. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 40. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 41. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 42. 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. 43. 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 "transportation," strike the remainder of the title and insert "amending RCW 46.68.110 and 46.68.120; making appropriations and authorizing expenditures; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3920.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3920, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3920, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Gaspard, Goltz, Granlund, Guess, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Stratton, Thompson, Vogniild, Warnke, Williams, Zimmerman - 30.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Garrett, Halsan, Hayner, McCaslin, McDonald, Moore, Newhouse, Rinehart, Saling, Talmadge, von Reichbauer, Wojahn - 16.

Absent: Senator Hansen - 1.

Excused: Senators Bauer, Fleming - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3920, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4041 with the following amendments:

On page 1, line 15, strike everything through line 26 and insert the following:

"It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director."

On page 2, line 11, after "1986." insert "The report shall be presented to the house and senate committees on natural resources."

On page 1, beginning on line 4, strike all material through "propagation." on line 11

On page 1, line 27, after "shall" insert "periodically"

On page 2, line 10, after "plan." insert "to include recommendations for leasing reserve lands."

On page 2, beginning on line 14, strike all of Sec. 3 and beginning on line 26, strike all of Sec. 4

On page 3, after line 7, insert a new section to read as follows:

"NEW SECTION. Sec. 5. A new section is added to chapter 75.24 RCW to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The department of fisheries shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "79.96.110" insert "and adding a new section to chapter 75.24 RCW"

On page 1, line 2 of the title, strike "75.24.030," and after "75.24.060" strike "79.96.100, and 79.96.110."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Owen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4041.

## POINT OF INQUIRY

Senator Stratton: "Senator Owen, the trial program for Olympia oyster cultivation was added as a House amendment. Do you know how extensive this trial program will be?"

Senator Owen: "Thank you, Senator Stratton. The intent of that amendment, according to Representative Unsoeld was that the Olympia oyster trial program not be intended to be used solely on the state oyster reserves--that the Olympia oyster program was to be only one use of the reserve lands and the other uses as specified in the bill, like recreational harvesting, long-term commercial leasing and commercial shellfish harvesting were also to be important uses of the state oyster reserve land.

"The Department of Fisheries will periodically inventory the reserves and assign designated areas for each use, as specified in the bill. So, the answer is that the amendment was to be for one use, but not the only use of the oyster reserve land."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Owen that the Senate do concur in the House amendments to Substitute Senate Bill No. 4041.

The motion by Senator Owen carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4041.

## POINT OF INQUIRY

Senator Stratton: "Senator Owen, is it the intent of this bill to stop the use of the oyster reserve lands until the plan is complete?"

Senator Owen: "Thank you, Senator Stratton, the answer is 'no.' It is the intent to identify additional uses and put the oyster reserves into productive use but in no way to prevent or stop shellfish cultivation or harvesting that could take place presently."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4041, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4041, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Hansen - 1.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 4041, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4107 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Registered nurse" means a registered nurse licensed under chapter 18.88 RCW.

(2) "Protocol" means a regimen to be carried out by a registered nurse and prescribed by a licensed physician under chapter 18.71 RCW, which is consistent with chapter 18.88 RCW and the rules adopted under chapter 18.88 RCW.

(3) "Primary care" means screening, assessment, diagnosis and treatment for the purpose of promotion of health and detection of disease or injury, as authorized by chapter 18.88 RCW and the rules adopted under chapter 18.88 RCW.

NEW SECTION. Sec. 2. No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020.

NEW SECTION. Sec. 3. Notwithstanding anything to the contrary in this chapter, the privilege created in this chapter is subject to the same limitations and exemptions contained in RCW 26.26.120, 26.44.060(3), 51.04.050, and 71.05.250 as those limitations and exemptions relate to the physician/patient privilege of RCW 5.60.060.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 5 RCW."

On page 1, line 2 of the title, after "nurses;" insert "and"

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

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 4107.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4107, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Hayner, McDonald, Metcalf - 3.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 4107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4140 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state board of education shall adopt rules pursuant to chapter 34.04 RCW, to implement the course requirements set forth in RCW 28A.05.060. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.05.060 and special alterations of the course requirements in RCW 28A.05.060. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.05.060. Such rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.05.060.

Sec. 2. Section 6, chapter 278, Laws of 1984 and RCW 28A.05.060 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(( <sup>+</sup> ))	((YEARS <sup>+</sup> ))
English	((9)) 3	((3 <sup>+</sup> ))
Mathematics	((6)) 2	((2 <sup>+</sup> ))

Social Studies

United States history and government	((3)) 1	((1))
Washington state history and government	((1-1/2)) 1/2	((1/2))

Contemporary world history, geography, and problems	((3)) 1	((1))
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Science ~~((3)) 1~~ credit(s) must be in

laboratory science)	((6)) 2	((2**))
Occupational Education	((3)) 1	((1))

Physical Education ~~((See RCW 28A.05.040 for physical education requirements-\*\*\*)) 2~~

Electives	((16-1/2)) 5 1/2
Total	((40)) 18

(2) For the purposes of this section one credit is equivalent to one year of study.

~~((<sup>1</sup> Credit means 60 hours of instruction including normal class change passing time. Three credits are the equivalent to a one-year course.~~

~~\*\* No more than 1 credit per trimester or 1 1/2 credits per semester or 3 credits per year may be applied toward graduation requirements in these subjects. Additional credits in these subjects may be counted as electives.~~

~~\*\*\* The state board of education shall establish through rules and regulations clearly defined physical education requirements for the purpose of minimum high school graduation requirements under RCW 28A.05.040.)~~

(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 ((40)) 18 credits ((and fulfilled the physical education requirement)) 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.

~~((3) The state board of education shall develop and establish procedures for students to meet equivalencies for courses required for graduation in subsection (1) of this section. Such procedures may include provisions for competency testing in lieu of such courses.~~

~~(4) The state board of education shall establish procedures for establishing high school graduation requirements for students with special educational needs, in accord with limitations on their ability to fulfill these high school graduation requirements.~~

~~(5) The local school districts shall consider the relevance of vocational and applied courses in fulfilling these high school graduation requirements.~~

~~(6) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from the graduation requirements in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach required subjects. The state board of education may adopt reasonable and necessary rules regarding exemptions for students who transfer between districts.~~

~~(6)) (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.~~

Sec. 3. Section 28A.05.040, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 52, Laws of 1984 and RCW 28A.05.040 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule or regulation of the state board of education: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment or religious belief, or because of participation in directed athletics or military science and tactics (~~PROVIDED FURTHER, That individual high school students shall be excused therefrom upon the written request of parents or guardians~~) or for other good cause.

NEW SECTION. Sec. 4. The state board of education shall establish for students who commence the ninth grade subsequent to July 1, 1987, an additional one credit elective requirement to be chosen from fine, visual, or performing arts, any of the subject areas as set forth in RCW 28A.05.060, or any combination thereof.

NEW SECTION. Sec. 5. Sections 1 and 4 of this act are each added to chapter 28A.05 RCW." On page 1, line 2 of the title, after "28A.05.060" insert "and 28A.05.040",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4140.

## POINT OF INQUIRY

Senator Moore: "If I read this thing correctly, Senator Gaspard, any student who has completed a State of Washington history course in the seventh grade is, therefore, exempt from any further need for Washington State history or government. Is that true?"

Senator Gaspard: "Senator Moore, right now there is a requirement that you have to take Washington State history in the 9th through 12th grade and the request from the State Board of Education was to relax that requirement because some school districts let the 7th and 8th graders take Washington State history. This would allow that to occur, but it would not count to their graduation requirements if they should take it at any grade lower than the 9th grade."

Senator Moore: "Would you go over that last part again? I'm not sure that I understand."

Senator Gaspard: "If you were to take the Washington State history course in the 7th or 8th grade—that credit would not count in your high school experience."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4140.

The motion by Senator Gaspard carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 4140.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4140, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4140, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Moore, Pullen - 2.

Absent: Senator Deccio - 1.

Excused: Senator Bauer - 1.

ENGROSSED SENATE BILL NO. 4140, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SENATE BILL NO. 4155 with the following amendments:

On page 1, after line 26, insert the following:

\*Sec. 2. Section 1, chapter 249, Laws of 1953 as last amended by section 310, chapter 258, Laws of 1984 and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to seven dollars for every new probate or civil ~~((matter))~~ filing fee, including appeals, ~~((filed with))~~ collected by the clerk of the superior court and three dollars for every ~~((civil action commenced))~~ fee collected for the commencement of a civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the seven dollar contribution may be increased up to nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies.

Sec. 3. Section 46, chapter 299, Laws of 1961 as last amended by section 303, chapter 258, Laws of 1984 and RCW 3.46.120 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs, except those costs specified in RCW 4.84.010 or otherwise provided for by statute, assessed and collected in whole or in part by the court shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 4. Section 59, chapter 299, Laws of 1961 as last amended by section 304, chapter 258, Laws of 1984 and RCW 3.50.100 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 5. Section 106, chapter 299, Laws of 1961 as last amended by section 306, chapter 258, Laws of 1984 and RCW 3.62.020 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit (~~(thirty-five)~~) thirty-two percent of the money received under subsection (1) of this section to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 6. Section 108, chapter 299, Laws of 1961 as last amended by section 307, chapter 258, Laws of 1984 and RCW 3.62.040 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

Sec. 7. Section 3, page 421, Laws of 1873 as last amended by section 313, chapter 258, Laws of 1984 and RCW 10.82.070 are each amended to read as follows:

(1) All sums of money derived from costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law.

(3) All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 8. Section 35.20.220, chapter 7, Laws of 1965 as last amended by section 319, chapter 258, Laws of 1984 and RCW 35.20.220 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section, other than for parking infractions and costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 9. Section 2, chapter 20, Laws of 1972 ex. sess. as amended by section 322, chapter 258, Laws of 1984 and RCW 36.18.025 are each amended to read as follows:

~~(Thirty-five)~~ Thirty-two percent of the money received from filing fees paid pursuant to RCW 36.18.020, as now or hereafter amended, shall be transmitted by the county treasurer each month to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

NEW SECTION. Sec. 11. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Hearing impaired person" means a person who, because of a hearing impairment, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(2) "Qualified interpreter" means an interpreter who is certified by the registry of interpreters for the deaf with the certificate level specified below and who meets the requirements of section 13 of this act.

(a) For judicial proceedings involving a class A felony, use of the services of a qualified interpreter holding the specialist certificate-legal is required.

(b) For other judicial, quasi-judicial, or administrative proceedings, use of the services of a qualified interpreter holding the specialist certificate-legal, master's comprehensive skills certificate, or comprehensive skills certificate is required.

(c) For programs and activities other than judicial or administrative proceedings, the services of a qualified interpreter holding a partial certification shall be required. Efforts to obtain the services of a qualified interpreter holding the master's comprehensive certificate or comprehensive skills certificate shall be made before obtaining the services of a qualified interpreter holding the interpreting certificate and/or the transliterating certificate.

(4) "Intermediary interpreter" means a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of section 13 of this act, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified hearing interpreter.

(5) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision.

NEW SECTION. Sec. 12. (1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to

confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.

(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(6) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

NEW SECTION, Sec. 13. (1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list of interpreters certified by the registry of interpreters for the deaf.

(2) The appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the hearing impaired person, that the interpreter is able in that particular proceeding, program, or activity to interpret accurately all communication to and from the hearing impaired person. If at any time during the proceeding, program, or activity, in the opinion of the hearing impaired person or a qualified observer, the interpreter does not provide accurate and effective communication with the hearing impaired person the appointing authority shall appoint another qualified interpreter. No otherwise qualified interpreter who is a relative of any participant in the proceeding may be appointed.

NEW SECTION, Sec. 14. If the communication mode or language of the hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the appointing authority who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

NEW SECTION, Sec. 15. (1) The right to a qualified interpreter may not be waived except when:

(a) A hearing impaired person requests a waiver through the use of a qualified interpreter;

(b) The counsel, if any, of the hearing impaired person consents; and

(c) The appointing authority determines that the waiver has been made knowingly, voluntarily, and intelligently.

(2) Waiver of a qualified interpreter shall not preclude the hearing impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding, program, or activity.

NEW SECTION, Sec. 16. (1) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law.

(2) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

NEW SECTION, Sec. 17. A qualified interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

NEW SECTION, Sec. 18. At the request of any party to the proceeding or on the appointing authority's initiative, the appointing authority may order that the testimony of the hearing

impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use in verification of the official transcript of the proceeding.

In any judicial proceeding involving a capital offense, the appointing authority shall order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use in verification of the official transcript of the proceeding.

NEW SECTION. Sec. 19. Sections 11 through 18 of this act are each added to chapter 2.42 RCW.

Sec. 20. Section 5, chapter 22, Laws of 1973 and RCW 2.42.050 are each amended to read as follows:

Every qualified interpreter appointed (~~pursuant to~~) under this chapter in a judicial or administrative proceeding shall, before (entering upon his duties as such) beginning to interpret, take an oath that (he will make) a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which (said) the person understands, and that (he) the interpreter will repeat the statements of (said) the person being examined to the court or other agency conducting the proceedings, in the English language, to the best of (his) the interpreter's skill and judgment.

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, after "10.01.160" and before the period insert ", 27.24.070, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.82.070, 35.20.220, 36.18.025, and 2.42.050; adding new sections to chapter 2.42 RCW; providing an effective date; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Senate Bill No. 4155.

#### POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, the House amendment makes necessary changes in the division of court receipts between state and local governments and is to take effect July 1 of this year. As part of those changes in the language added by the House now provides that all filing fees collected by a superior court clerk are to be divided between the state and local government in the fashion prescribed by the Court Improvement Act we passed last year. Could you clarify for me exactly what types of filing fees the House amendment refers to?"

Senator Talmadge: "Yes, Senator Halsan, the amendment will require the division of monies collected by a county clerk under RCW 36.18.020 that are specifically required to be paid when a document in an action is initiated and when a demand for a jury trial is filed. There are a number of provisions in 36.18.020 that require the payment of a fee for certain services provided by the clerk that may not be characterized as filing. These include monies paid to the court clerk for preparation of transcription or certification of documents on file with the clerk under sub (7); executing a certificate under sub (8); writs of garnishment, sub (9); approving of bonds, sub (10); issuing certificates of qualification, letters of administration or guardianship or letters of testamentary, sub (13); preparation of passport application, sub (14); or researching records, sub (15). These monies will not be divided between state and local government under the Court Improvement Act as modified by the House amendment of this bill."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Senate Bill No. 4155.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Senate Bill No. 4155.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4155, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4155, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, Owen - 2.

SENATE BILL NO. 4155, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 10, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4206 with the following amendment:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 61, Laws of 1980 and RCW 28A.58.135 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of ~~((ten))~~ twenty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of ~~((forty-five))~~ seventy-five hundred dollars. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of ~~((forty-five))~~ seventy-five hundred dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from ~~((forty-five))~~ seventy-five hundred dollars up to ~~((ten))~~ twenty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of ~~((ten))~~ twenty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of ~~((forty-five))~~ seventy-five hundred dollars, shall be on a competitive bid process. All such projects estimated to be less than ~~((ten))~~ twenty thousand dollars may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall establish a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the district. Responsible contractors shall be added to the list at any time they submit a written request. Whenever the estimated cost of a public works project is ~~((ten))~~ twenty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed.

(4) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911(~~PROVIDED, That when bids have been solicited in the manner provided for in subsections (2) or (3) of this section and there is reason to believe that the~~

~~lowest acceptable bid is not the best obtainable, all bids may be rejected, and the board may call for new bids. Any or all bids may be rejected for good cause)) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call.~~ On any work or purchase the board shall provide bidding information to any qualified bidder or his agent, requesting it in person.

(5) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4206.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4206, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Hayner, Vognild - 3.

Excused: Senators Bauer, Owen - 2.

ENGROSSED SENATE BILL NO. 4206, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4267 with the following amendment:

On page 5, after line 29, insert the following:

NEW SECTION, Sec. 10. The rail right of way acquisition program under chapter 47.76 RCW shall be terminated on June 30, 1991.

NEW SECTION, Sec. 11. The rail right of way acquisition act as now existing or hereinafter amended, is repealed, effective June 30, 1992."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 4267.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4267, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4267, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus.

Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Hayner - 1.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 4267, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4386 with the following amendment:

On page 1, line 10, after "annexation" insert "and in the resolution of the district consenting to annexation".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 4386.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4386, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4386, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 4386, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4399 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds state statutes allocating governmental powers, duties, and relationships were first enacted nearly a century ago and reflect ideas of their time. The legislature further finds that Washington state was a rural, agrarian society at that time, and that cities were relatively small, surrounded by rural areas, and served as a commercial and social center for those areas.

The legislature finds that the state created counties as political and administrative subdivisions of itself, and allowed for the creation of cities by the local citizenry to provide such additional municipal services as might be desired in areas of greater population density. The legislature further finds that in order to forestall imprudent or hasty creation of local governments, the process was deliberately made somewhat difficult. The legislature also finds that cities and counties were provided with differing tax structures, reflective of their differing governmental and service roles.

The legislature finds that, contrary to expectation, urban development has occurred not only within cities, but around cities and in clusters remote from any city, and that, in 1985, nearly half of the state's population lives in unincorporated, but largely urbanized areas. The

legislature further finds that while this situation is the result of a number of factors, the unintended effects of the policies of various levels of government played a major role in creating it.

The legislature finds that some services are best delivered on a city-wide basis, some services are best delivered on a county-wide basis, while others might best be delivered on a greater than city, less than county-wide basis, and some might best be provided on a multi-county basis. The legislature further finds that in many cases, service needs have no relationship to political jurisdictions' boundary lines. The legislature also finds that there is uncertainty as to the proper role of some units of local government in rendering basic public services. The legislature further finds that cities, counties, and special purpose districts rendering basic municipal services spend approximately two billion dollars per year in providing such services and that there is a state interest in the efficient and effective provision of local government services.

Therefore, the legislature finds that there is a need to examine the present demographic and governmental service provision situation, in order to determine the manner in which local public services are presently delivered and funded in Washington state, the public policies which have led to the present situation, and the manner in which each contributed to it. The legislature further finds that there is a need to examine the practices of other states in such matters and in terms of allocations of responsibility, authority, and funding among various levels and agencies of government. The legislature also finds that there is a need to examine the policies and practices of other states in providing for city incorporation and annexation.

**NEW SECTION.** Sec. 2. For purposes of sections 3 through 6 of this act, "commission" means the local governance study commission created in section 3 of this act.

**NEW SECTION.** Sec. 3. There is hereby created a local governance study commission to consist of the following:

(1) Twenty-one voting members appointed by the governor consisting of:

(a) Eight members of the state legislature, four nominated by the Speaker of the House of Representatives, four nominated by the President of the Senate, two from each caucus of the respective house;

(b) Four members nominated by the association of Washington cities or its successor;

(c) Four members nominated by the Washington state association of counties or its successor;

(d) One member nominated by the Washington state association of sewer districts;

(e) One member nominated by the Washington state association of water districts;

(f) One member nominated by the Washington association of fire districts;

(g) One member nominated by the Washington public utility districts association; and

(h) One member nominated by the Washington library association.

(2) Three members serving in an ex officio nonvoting capacity:

(a) The executive director of the association of Washington cities or its representative;

(b) The executive director of the Washington state association of counties or its representative; and

(c) The director of the department of community development, who shall serve as chair of the commission.

(3) Commission members shall serve without pay, at the pleasure of the governor. Nonlegislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 44.04.120.

**NEW SECTION.** Sec. 4. The commission shall:

(1) Identify and examine the present demographic and governmental service provision of cities, counties, and special purpose districts together with an examination of the present manner in which revenues are received for the provision of services by the various jurisdictions;

(2) Examine the public policies and history that led to the current situation;

(3) Analyze why policies that are identified in the study had an impact on growth and development in the state of Washington and why they contributed to the current situation;

(4) Examine the policies, practices, and experiences in other states in regard to allocating responsibility, revenue authority, and responsiveness to provide governmental services;

(5) Create advisory committees of representatives of special purpose districts, to advise the commission on issues affecting the operation of these districts, and members of the private sector;

(6) Develop recommended policy, statutory, and constitutional changes as may be determined would serve to better define the appropriate roles and activities of cities, counties, and special purpose districts and their interrelationship to one another; and

(7) Submit to the governor and the legislature a report containing the commission's findings, conclusions, and recommendations by November 1, 1986.

**NEW SECTION.** Sec. 5. The department shall provide the necessary support to the commission to carry out the purposes of sections 2 through 4 this act. The department may employ

such staff as is necessary to carry out the purposes of sections 2 through 4 of this act. The provisions of chapter 41.06 RCW do not apply to such staff.

NEW SECTION. Sec. 6. A new section is added to chapter 82.44 RCW to read as follows:

For the biennium beginning July 1, 1985, distributions of motor vehicle excise tax receipts to counties, cities, and towns under RCW 82.44.150 shall be altered as follows:

(1) Prior to placing moneys in the county sales and use tax equalization account under RCW 82.14.200, an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be placed in this account shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

(2) Prior to distributing the moneys to cities and towns under RCW 82.44.150(3)(a), an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be distributed to cities and towns shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

This section shall expire June 30, 1987.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The local government study commission account is hereby established in the state treasury. Moneys shall be placed into the local government study commission account as provided in section 6 of this act to be used by the department of community development for the biennium ending June 30, 1987, to carry out the purposes of sections 1 through 5 of this act.

This section shall expire June 30, 1987.

NEW SECTION. Sec. 8. There is appropriated from the local government study commission account to the department of community development for the biennium ending June 30, 1987, the sum of two hundred forty-nine thousand nine hundred ninety-six dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act shall expire June 30, 1987.

NEW SECTION. Sec. 10. Sections 2 through 5 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4399.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4399, as amended by the House.

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Senator Thompson, was that 10 a.m. or p.m.?"

Senator Thompson: "It was in the morning."

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4399, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Kreidler, McCaslin, McDermott, McManus, Moore, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 26.

Voting nay: Senators Barr, Bender, Benitz, Cantu, Craswell, Deccio, Gaspard, Guess, Hansen, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar - 20.

Absent: Senators Hayner, von Reichbauer - 2.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4399, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 109 with the following amendment:

Strike everything after page 1, line 4 and insert the following:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The release of radioactive materials into the environment can have detrimental effects upon the health and safety of the citizens of the State of Washington; and

WHEREAS, On January 25, 1984, the PUREX plant was shut down to investigate an instrument reading which indicated a possible abnormal release of radioactive material; and

WHEREAS, The monitoring system which recorded the reading was found to be in need of adjustment; and

WHEREAS, There was a delay in informing the public of the January 1984 unusual occurrence at the PUREX plant; and

WHEREAS, The public is dependent upon the federal government for accurate and timely environmental measurements of emissions released from defense-related operations;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Department of Energy provide timely, complete, and accurate disclosure to the public of all unusual occurrences involving actual and apparent releases of radioactive materials at the PUREX plant on the Hanford reservation; and

BE IT RESOLVED, That the United States Department of Energy shut down operations at the PUREX plant when any release exceeds established limits or when monitoring devices malfunction and that the plant shall remain nonoperational until the unusual occurrence is remedied; and

BE IT FURTHER RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the secretary of the United States Department of Energy, and each member of Congress from the State of Washington.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Williams, the Senate concurred in the House amendment to Senate Joint Memorial No. 109.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 109, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 109, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Bauer - 1.

SENATE JOINT MEMORIAL NO. 109, as amended by the House, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 593 and requests a conference thereon.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate insists on its position, refuses to grant the request for a conference on House Bill No. 593 and asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 3438 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Williams moves that the Senate do concur in the House amendments to Substitute Senate Bill No. 3438.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Substitute Senate Bill No. 3438.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3438 on a rising vote.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3438, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3438, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Newhouse, Peterson, Rinehart, Sellar, Stratton, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Barr, Bender, Bluechel, Fleming, McDonald, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Saling, Talmadge, Zimmerman - 14.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3438, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 22, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 348 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate insists on its position regarding the Senate amendments to Engrossed Second Substitute House Bill No. 348 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 348, and the Senate amendments thereto: Senators Moore, Pullen and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 22, 1985

Mr. President:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 480 out of scope and object and out of order and referred said bill to the House Committee on Ways and Means.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 20, 1985

Mr. President:

The Speaker ruled the Senate amendments to HOUSE BILL NO. 1010 out of scope and object and out of order and referred said bill to the House Committee on Ways and Means.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SENATE BILL NO. 3812 and the Speaker has appointed as members of the Conference Committee: Representatives Hine, Rust and G. Nelson.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3310 and the Speaker has appointed as members of the Conference Committee: Representatives Fisher, Leonard and Miller.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3367 and the Speaker has appointed as members of the Conference Committee: Representatives Fisher, Fisch and Barnes.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103 and the Speaker has appointed as members of the Conference Committee: Representatives Haugen, Bougher and Brough.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SENATE BILL NO. 4142 and the Speaker has appointed as members of the Conference Committee: Representatives Ebersole, Wang and Holland.

DENNIS L. HECK, Chief Clerk

## MOTION

At 5:12 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, April 24, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

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**ONE HUNDRED-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, April 24, 1985

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Bauer. On motion of Senator Bender, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Susan Ruffo and Heidi Harrison, presented the Colors. Reverend Sheryl Peterson, pastor of the United Churches of Olympia, offered the prayer.

**MOTION**

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

**MOTION**

At 10:05 a.m., on motion of Senator Vognild, the Senate recessed until 10:30 a.m.

**SECOND MORNING SESSION**

The Senate was called to order at 11:30 a.m. by President Pro Tempore Goltz.

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

**MESSAGE FROM THE HOUSE**

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4228 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and

not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of (~~thirty-three~~) twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 2. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon (~~his~~) the person's own lands or upon land in which (~~he~~) the person has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with (~~his~~) the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

Sec. 3. Section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from ~~(his)~~ the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes ~~(-cultivates or raises)~~ fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. ~~(#)~~ "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

**NEW SECTION.** Sec. 4. Nothing in sections 2 and 3 of this act shall be construed to imply that a person, sale, or use made exempt from tax under sections 2 and 3 of this act was taxable under Title 82 RCW prior to the enactment of sections 2 and 3 of this act.

**NEW SECTION.** Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) For purposes of this chapter, "wholesale sale," "sale at wholesale," "retail sale," and "sale at retail" do not include the sale of precious metal bullion or monetized bullion.

(2) In computing tax under this chapter on the business of making sales of precious metal bullion or monetized bullion, the tax shall be imposed on the amounts received as commissions upon transactions for the accounts of customers over and above the amount paid to other dealers associated in such transactions, but no deduction or offset is allowed on account of salaries or commissions paid to salesmen or other employees.

(3) For purposes of this section, "precious metal bullion" means any precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

**NEW SECTION.** Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax those amounts received by artistic or cultural organizations which represent income derived from business activities conducted by the organization.

Sec. 7. Section 6, chapter 140, Laws of 1981 and RCW 82.04.4328 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4322, 82.04.4324, 82.04.4326, section 6 of this 1985 act, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization which is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW 82.04.4322, 82.04.4324, 82.04.4326, section 6 of this 1985 act, 82.08.031, and 82.12.031, the corporation shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

**NEW SECTION.** Sec. 8. The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects.

Sec. 9. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), ~~((82.20.010(2));)~~ 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 10. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, ~~((water distribution))~~ sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution and refuse collection businesses: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses, seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses, and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in section 8 of this 1985 act.

Sec. 11. Section 82.20.010, chapter 15, Laws of 1961 as last amended by section 14, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar; and for each additional five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar.

(2) ((An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.)) ~~Forty-six and one-half percent of the moneys collected under this section shall be deposited in the public works assistance account created in section 8 of this 1985 act.~~

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

**NEW SECTION.** Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984, section 42, chapter 57, Laws of 1985 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

**NEW SECTION.** Sec. 13. It is the intent of the state of Washington in section 14 of this act to provide assistance to those economically distressed areas that do not have substantial means to attract and encourage new business into their communities and also to provide substantial financial incentives for business that will create new jobs within those distressed areas.

**NEW SECTION.** Sec. 14. A new section is added to chapter 82.04 RCW to read as follows:

(1) "New businesses" means businesses as defined in RCW 82.04.140 which were first legally required to register with the department of revenue on or after the effective date of this section

and which have not been licensed to operate within the state of Washington within the last five years.

(2) "Eligible businesses" means businesses engaging in manufacturing, research and development, and warehousing.

(3) "Distressed areas" means:

(a) Any county which exceeds the state-wide average annual unemployment rate and any city with a population of forty thousand or less within such a county; and

(b) Any city with a population of forty thousand or less that can demonstrate that it is distressed by reason of recent business closures, or notice thereof, severe layoffs for periods in excess of six months, and any other criteria established by the department of commerce and economic development to identify an area as disadvantaged.

NEW SECTION. Sec. 15. A new section is added to chapter 82.04 RCW to read as follows:

Persons engaging in new eligible businesses in distressed areas shall be exempt during the first five years of business operation from the payment of fifty percent of the tax otherwise imposed under this chapter by reason of such activities.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts derived from sales of fuel for consumption outside the territorial waters of the United States, by vessels used primarily in foreign commerce.

(2) Nothing in this section shall be construed to imply that amounts which may be deducted under this section were taxable under Title 82 RCW prior to the enactment of this section.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.04.260, 82.04.330, 82.04.100, 82.04.4328, 82.02.030, 82.16.020, and 82.20.010; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 43.63A.200, 43.79.450, and 43.79.452; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4228.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4228, as amended by the House.

Debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 4228 was deferred.

#### MOTION

On motion of Senator Bender, Senator Granlund was excused.

#### MESSAGES FROM THE HOUSE

April 23, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3027,

SENATE BILL NO. 3236,

SENATE BILL NO. 3427,

SENATE BILL NO. 3612,

SENATE BILL NO. 3625,

SENATE BILL NO. 4115,

SENATE BILL NO. 4288,

SENATE JOINT MEMORIAL NO. 102,

SENATE JOINT MEMORIAL NO. 119, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 767 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1003 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House concurred in the Senate amendments to the following listed bills and has passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,

SUBSTITUTE HOUSE BILL NO. 1116,

SUBSTITUTE HOUSE BILL NO. 1169.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House concurred in the Senate amendments to the following listed bills and has passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 91,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101,

SUBSTITUTE HOUSE BILL NO. 150,

HOUSE BILL NO. 153,

SUBSTITUTE HOUSE BILL NO. 179,

HOUSE BILL NO. 359,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379,

SUBSTITUTE HOUSE BILL NO. 380,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 396,

SUBSTITUTE HOUSE BILL NO. 622,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 760,

ENGROSSED HOUSE BILL NO. 808,

SUBSTITUTE HOUSE BILL NO. 814,

SUBSTITUTE HOUSE BILL NO. 877,

HOUSE BILL NO. 999.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3012: Representatives Crane, Scott and Van Luven.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3254: Representatives Crane, Scott and Patrick.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3516: Representatives Walk, Peery and L. Smith.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4424: Representatives Vekich, Baugher and Doty.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED HOUSE BILL NO. 327: Representatives Walk, Baugher and Prince.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on HOUSE BILL NO. 848: Representatives Locke, G. Nelson and K. Wilson.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627: Representatives McMullen, Tanner and Thomas.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 461: Representatives McMullen, J. King and Silver.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on ENGROSSED HOUSE BILL NO. 1001: Representatives Appelwick, Sommers and Hastings.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 805: Representatives Scott, Ebersole and Walker.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on HOUSE BILL NO. 832: Representatives McMullen, Kremen and Schoon.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a Conference on SUBSTITUTE SENATE BILL NO. 3184 and the Speaker has appointed as members of the Conference Committee: Representatives Belcher, Peery and Hankins.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4196 and the Speaker has appointed as members of the Conference Committee: Representatives Wang, R. King and Patrick.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The House has granted the request of the Senate for a Conference on SUBSTITUTE SENATE BILL NO. 4241 and the Speaker has appointed as members of the Conference Committee: Representatives Niemi, Braddock and B. Williams.

DENNIS L. HECK, Chief Clerk

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Brooks, reappointed April 17, 1985, for a term ending April 16, 1989, as a member of the Oil and Gas Conservation Committee.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

April 22, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne Beth Cox, appointed April 22, 1985, for a term ending December 31, 1986, as a member of the State Interagency Committee for Outdoor Recreation, succeeding Marilyn Bozich.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

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

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

April 23, 1985

GA 7 ANDREA W. BEATTY, to the position of Director of the Department of Ecology, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Donald W. Moos.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

April 23, 1985

GA 93 DONNA D. SCHRAM, to the position of Member of the Sentencing Guidelines Commission, reappointed by the Governor on February 19, 1985, for the term ending August 2, 1987. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Talmadge, Chairman; DeJarnatt, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

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

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 107 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Talmadge, the Senate did recede from the Senate amendments to House Bill No. 107.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 107, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 107, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, Bluechel - 2.

Excused: Senators Bauer, Granlund - 2.

HOUSE BILL NO. 107, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 375 on page 7, line 14; refuses to concur in the remaining amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate insists on its position on the remaining amendments to Substitute House Bill No. 375 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 376 on page 1, line 25; refuses to concur in the amendment on page 1, line 24 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate insists on its position to the amendment on page 1, line 24, to Substitute House Bill No. 376 and once again asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House concurred in the Senate amendment on page 2, line 12, to SUBSTITUTE HOUSE BILL NO. 799; refuses to concur in the amendments on page 1, line 20,

and page 2, line 19, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Gaspard moved that the Senate do recede from its two remaining amendments to Substitute House Bill No. 799.

#### MOTION

Senator Pullen moved the question be divided.

There being no objection, the question was divided.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to recede from the first Senate amendment on page 1, line 20, to Substitute House Bill No. 799.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the motion by Senator Gaspard to recede in the first Senate amendment on page 1, line 20, to Substitute House Bill No. 799.

The motion by Senator Gaspard failed on a rising vote and the Senate did not recede in the amendment on page 1, line 20, to Substitute House Bill No. 799.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to recede from the second amendment on page 2, line 19, to Substitute House Bill No. 799.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Gaspard to recede from the second amendment on page 2, line 19, to Substitute House Bill No. 799.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the Senate receded from the second amendment on page 2, line 19, by the following vote: Yeas, 23; nays, 22; absent, 3; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Vogt, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 22.

Absent: Senators Patterson, Thompson, von Reichbauer - 3.

Excused: Senator Bauer - 1.

#### MOTION

On motion of Senator Gaspard, the Senate receded from the amendment on page 2, line 19, but refuses to recede from the amendment on page 1, line 20, to Substitute House Bill No. 799, and once again asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 848 and requests a conference thereon.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the request of the House for a conference on Substitute House Bill No. 848, and the Senate amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 848, and the Senate amendments thereto: Senators Talmadge, Newhouse and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 3448, requested April 17, 1985: Senators Gaspard, Craswell and Rinehart.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 3069,  
 SUBSTITUTE SENATE BILL NO. 3099,  
 SUBSTITUTE SENATE BILL NO. 3125,  
 SUBSTITUTE SENATE BILL NO. 3179,  
 SENATE BILL NO. 3225,  
 SUBSTITUTE SENATE BILL NO. 3262,  
 SENATE BILL NO. 3267,  
 SUBSTITUTE SENATE BILL NO. 3305,  
 SUBSTITUTE SENATE BILL NO. 3442,  
 SENATE BILL NO. 4129.

## MOTION

At 12:18 p.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Pro Tempore Goltz.

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

## MOTION

On motion of Senator Zimmerman, Senators Craswell, Kiskaddon and Patterson were excused.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Warnke, the appointment of Carl Ooka as a member of the State Lottery Commission was confirmed.

## APPOINTMENT OF CARL OOKA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 6; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Deccio, Hayner, McCaslin, McManus, Owen, Peterson - 6.

Excused: Senators Bauer, Craswell, Kiskaddon, Patterson - 4.

## MOTION

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

## MOTION

Senator McDermott moved that the Conference Committee appointees appointed on April 11, 1985, to Engrossed Substitute Senate Bill No. 3376 be replaced.

## MOTION

At 2:10 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 3:02 p.m. by President Pro Tempore Goltz.

## MOTION

On motion of Senator McDermott, and there being no objection, the motion to replace the Conference Committee appointees on Engrossed Substitute Senate Bill No. 3376 was withdrawn.

## MOTION

At 3:03 p.m., on motion of Senator Vognild, the Senate recessed until 5:00 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 5:00 p.m. by President Pro Tempore Goltz.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Warnke, the appointment of Andy Reynolds as a member of the State Lottery Commission was confirmed.

## APPOINTMENT OF ANDY REYNOLDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 44.

Absent: Senators Stratton, Williams, Wojahn - 3.

Excused: Senators Kiskaddon, Peterson - 2.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 227 and requests a conference thereon. The Speaker has appointed the following conferees: Representatives Lux, Crane and Ballard.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Moore, the Senate insists on its position on the amendments to Substitute House Bill No. 227 and refuses to grant the request of the House for a conference thereon.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 242 and requests a conference thereon. The Speaker has appointed the following conferees: Representatives Locke, Niemi and Tilly.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Talmadge, the request of the House for a conference on Substitute House Bill No. 242, and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 242, and the Senate amendments thereto: Senators Halsan, Newhouse and Talmadge.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 956 and requests a conference thereon. The Speaker has appointed the following conferees: Representatives Nutley, Haugen and Brough.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Thompson, the request of the House for a conference on Substitute House Bill No. 956, and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 956, and the Senate amendments thereto: Senators Thompson, Fleming and McCaslin.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business to resume consideration of Engrossed Substitute House Bill No. 1089, deferred April 22, 1985.

## THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, by Committee on Commerce and Labor (originally sponsored by Representatives McMullen, R. King, Patrick, Wang and Sayan) (by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to industrial insurance penalties.

## MOTIONS

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1089 was returned to second reading and read the second time.

Senator Newhouse moved that the Senate reconsider the vote by which the striking Committee on Commerce and Labor amendment was adopted on April 22, 1985.

The motion carried and the Senate resumed consideration of the Commerce and Labor amendment.

## MOTION

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Talmadge to the Committee on Commerce and Labor amendment was adopted:

On page 6, beginning on line 3 of the amendment, strike all material down to and including line 6 on page 8 and insert the following:

\*NEW SECTION, Sec. 8. A new section is added to chapter 51.48 RCW to read as follows:

(1) No employer may discharge or in any manner discriminate against any employee because such employee has filed or communicated to the employer an intent to file a claim for compensation or exercises any rights provided under this title. However, nothing in this section prevents an employer from taking any action against a worker for other reasons including, but not limited to, the worker's failure to observe health or safety standards adopted by the employer, or the frequency or nature of the worker's job-related accidents.

(2) Any employee who believes that he or she has been discharged or otherwise discriminated against by an employer in violation of this section may file a complaint with the director alleging discrimination within ninety days of the date of the alleged violation. Upon receipt of such complaint, the director shall cause an investigation to be made as the director deems appropriate. Within ninety days of the receipt of a complaint filed under this section, the director shall notify the complainant of his or her determination. If upon such investigation, it is determined that this section has been violated, the director shall bring an action in the superior court of the county in which the violation is alleged to have occurred.

(3) If the director determines that this section has not been violated, the employee may institute the action on his or her own behalf.

(4) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations of subsection (1) of this section and to order all appropriate relief including rehiring or reinstatement of the employee with back pay."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended on reconsideration.

The Committee on Commerce and Labor amendment, as amended on reconsideration, was adopted.

#### MOTIONS

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

On page 8, line 16 of the title amendment, strike "51.48.080, and 49.60.180" and insert "and 51.48.080; and adding a new section to chapter 51.48 RCW"

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 1089, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1089, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1089, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, Deccio, McCaslin - 3.

Absent: Senators Benitz, McManus - 2.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 3120 and the pending House amendments, deferred April 23, 1985.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 3120 is a measure making numerous changes in motor truck standards.

"The amendments proposed by the House of Representatives change motor truck standards by allowing a vehicle combination of a tractor equipped with a freight box pulling two trailers.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The House of Representatives amendments were ruled in order.

#### MOTION

On motion of Senator Peterson, further consideration of Senate Bill No. 3120 was deferred.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3333 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known as the motorcycle dealers' franchise act.

NEW SECTION. Sec. 2. The legislature recognizes it is in the best public interest for manufacturers and dealers of motorcycles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference, receive adequate allocations of merchandise in a timely manner at competitive prices, and transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motorcycle industry to the extent necessary to balance fairness and efficiency. These actions will assure the public that motorcycle dealers will devote their best competitive efforts and resources to the sale and service of the manufacturer's products which the dealer has been granted the right to sell and service.

NEW SECTION. Sec. 3. As used in this chapter:

- (1) "Department" means the department of licensing.
- (2) "Designated family member" means (a) an heir as defined in RCW 11.02.005(6) if the motorcycle dealer dies intestate or (b) a legatee or devisee as used in Title 11 RCW if the deceased motorcycle dealer leaves a will. A motorcycle dealer also may name in a notarized statement any person as the designated family member for the purposes of receiving an interest in the motorcycle dealership. Title 11 RCW applies to this chapter. However, in cases of conflict, the notarized inter vivos designation prevails over testamentary and intestate succession. Notarized inter vivos designations under this subsection are not codicils to wills.
- (3) "Distributor" means a person, whether a resident or nonresident, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers, or controls any other person, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers.
- (4) "Distributor branch" means a branch office maintained by the distributor or wholesaler.
- (5) "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of selling or promoting the sale or lease of the distributor's or wholesaler's motorcycles to motorcycle dealers, or for the purpose of supervising or contacting dealers.
- (6) "Factory branch" means a branch office maintained by a manufacturer in order to direct and supervise the representatives of the manufacturer.
- (7) "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale or lease of the manufacturer's motorcycles to dealers, distributors, or prospective motorcycle dealers.
- (8) "Franchise" means an oral or written contract, to include a dealer agreement, either expressed or implied, between a franchisor and a motorcycle dealer which purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motorcycles manufactured, distributed, or imported by the franchisor; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the franchisor; and (c) the dealer's business relies on the franchisor for a continued supply of motorcycles, parts, and accessories.
- (9) "Franchisor" means any person who enters into a franchise with a motorcycle dealer.
- (10) "Manufacturer" means any person, firm, association, corporation, or trust that manufactures or provides assemblies for motorcycles.
- (11) "Motorcycle" means any motor vehicle which has an unladen weight of less than five hundred pounds, including any parts, accessories, equipment, or special tools designated or intended for use on or with those motor vehicles, and (a) which is self-propelled and capable of use and operation on the public highways and streets; or (b) which is a self-propelled, off-road vehicle, tired or nontired, capable of transporting individuals on or off public highways and streets. "Motorcycle" excludes farm tractors, golf carts, firefighting equipment, any motor vehicle designed solely for industrial purposes, and lawnmowers.
- (12) "Motorcycle dealer" or "dealer" means a person operating under a dealer agreement or franchise with a franchisor who is engaged regularly in the business of buying, selling, exchanging, offering, brokering, or leasing with an option to purchase new or used motorcycles in the state, with a place of business in the state.

(13) "New motorcycle" means a motorcycle that has been sold or transferred to a motorcycle dealer and that has not been used for other than demonstration purposes, and on which the original title has not been issued from the motorcycle dealer. The term includes motorcycles not of the current model year comprising part of the dealer's inventory.

(14) "Person" means any natural person, partnership, stock company, corporation, trust, agency, or other legal entity, as well as any individual officers, directors, or other persons in active control of the activities of the entity.

(15) "Place of business" means a permanent, enclosed commercial building, situated within the state, and the real property on which it is located, at which the business of a motorcycle dealer, including the display and repair of motorcycles, may be lawfully conducted in accordance with the terms of all applicable laws and in the building the public may contact the motorcycle dealer or his or her employees at all reasonable times.

(16) "Relevant market area" means a ten-mile radius around a proposed place of business.

**NEW SECTION.** Sec. 4. Acts or conduct described in this section constitute prohibited trade practices that cannot be waived. It is a prohibited trade practice for a franchisor or its manufacturers, distributors, subsidiaries, or other agents:

(1) To require, coerce or attempt to require, or coerce, either directly or indirectly, any motorcycle dealer to:

(a) Accept, buy, or order any motorcycle, part or accessory, or any other commodity or service not voluntarily ordered, or requested, or to buy, order, or pay anything of value for such items in order to obtain any motorcycle part, accessory, or other commodity which has been voluntarily ordered or requested;

(b) Order or accept delivery of any motorcycle with special features, accessories, or equipment not included in the list price of the motorcycle as advertised by the manufacturer, except items which have been voluntarily requested or ordered by the dealer, and except items required by law;

(c) Enter into any agreement or understanding resulting in a reduction of the dealer's allocation of motorcycles for reasons other than reduced production levels causing uniformly and proportionally applied reductions to all dealers;

(d) Enter into any agreement or sales promotion program by threatening to terminate the franchise of the dealer;

(e) Refrain from participation in the management, investment, acquisition, or sale of any other related product or product line of motor vehicles, parts, or accessories;

(f) Enter into any agreement violating this chapter; or

(g) Enter into an agreement by which the franchisor, manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative can directly solicit the dealer's customers.

(2) To terminate, refuse to renew, fail to extend, or fail to renew any franchise without good cause. Good cause includes but is not limited to:

(a) The amount of business transacted by the dealer as compared to the amount of business available to the dealer;

(b) The investment necessarily made and obligations necessarily incurred by the dealer in the performance of the franchise;

(c) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(d) The adequacy of the dealer's new motorcycle sales and service facilities, equipment, and parts;

(e) The qualifications and performance of the management, sales, and service personnel to provide the consumer with reasonably good service and care of new motorcycles;

(f) The failure of the dealer to substantially comply in good faith with the reasonable requirements of the franchise;

(g) The adequacy of the franchisor's actual quantities delivered of motorcycles, parts, and accessories compared to quantities promised by the franchisor;

(h) The effect on the retail motorcycle business and the consuming public in the dealer's market area;

(i) Whether the dealer has exercised prudent business judgment.

The dealer shall be notified, in writing, not less than ninety days before termination or nonrenewal with reasons for the actions. If the termination or nonrenewal is based on termination or discontinuance of the product line, the dealer shall be notified not less than one hundred eighty days prior to termination or nonrenewal. All existing franchises shall continue operation under a newly appointed distributor upon the termination of an existing distributor unless a mutual agreement of termination is filed between the new distributor and the affected dealer.

(3) To require a change in capital structure, or means of financing, if the dealer at all times meets the reasonable, written, and uniformly applied capital standards determined by the manufacturer, franchisor, or distributor:

(4) To prevent or attempt to prevent a dealer from making reasonable changes in the capital structure of a dealership or the means by which the dealership is financed if the dealer meets the reasonable, written, and uniformly applied capital requirements determined by the manufacturer, franchisor, or distributor;

(5) To unreasonably require a change in the location of the dealership or any substantial alterations to the place of business;

(6) To condition renewal or extension of the franchise on substantial renovation of the existing place of business or on the construction, purchase, acquisition, or lease of a new place of business unless written notice is first provided one hundred eighty days prior to the date of renewal or extension and the franchisor demonstrates the reasonableness of the requested actions. The franchisor shall agree to supply the dealer with an adequate quantity of motorcycles, parts, and accessories to meet the sales level necessary to support the overhead resulting from substantial renovation, construction, acquisition, or lease of a new place of business;

(7) To adopt, establish, or implement a plan or system, or to modify an existing plan or system, for the distribution or allocation of motorcycles which is arbitrary, in bad faith, or unconscionable and which damages the dealer or the dealer's customers;

(8) To fail or refuse to disclose to the dealer, after written request, the basis upon which new motorcycles of the same line are currently or will in the future be allocated or distributed to dealers;

(9) To fail or refuse to disclose to dealers, after written request, the total number of new motorcycles of a given model which the manufacturer, franchisor, or distributor has sold during the current model year within the dealer's marketing district, zone, or region;

(10) To refuse or fail to deliver any motorcycle, part, or accessory in reasonable quantities, and within a reasonable time after receipt of the order from the dealer, that is specifically advertised as being immediately available. It is not a prohibited trade practice when the failure to deliver is caused by an act of God, strike, material shortage, or other cause over which the manufacturer, distributor, or franchisor has no control;

(11) To offer a renewal, replacement, or succeeding franchise containing terms substantially modifying the sales and service obligations or capital requirements of the motorcycle dealer, other than as provided for in this chapter;

(12) To sell or lease or offer to sell or lease to a dealer a new motorcycle, including any motorcycle under a sales promotion plan, at a lower price than offered or sold to another similarly situated dealer for the same model, except where the dealer is offered, sold, or leased a new motorcycle at a discount in exchange for providing valuable services to the franchisor, manufacturer, or distributor and except in those instances where a dealer orders motorcycles in sufficient numbers to qualify for volume discounts and as long as discounts are available to all dealers;

(13) To prevent, attempt to prevent, or unreasonably disapprove any motorcycle dealer from changing executive management control of the dealer's motorcycle business, unless the change results in control by a person not of good moral character or who does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards. The dealer shall be given written notice of the reasons for rejection within thirty days of receipt of notice from the dealer of a proposed change;

(14) To reject, prevent, or attempt to prevent any person from selling or transferring a controlling interest to any other person unless the buyer or transferee does not qualify under appropriate state law as a licensed dealer, is not of good moral character, does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards, or does not meet the written and uniformly applied manufacturer, distributor, or franchisor business experience standards for the market area. The dealer shall be given written notice setting forth the reasons for rejection of the proposed sale or transfer within thirty days of notice by the dealer of the sale or transfer;

(15) To fail to hold harmless and indemnify any motorcycle dealer against losses, including lawsuits and court costs, arising from: (a) The manufacture or performance of any motorcycle, part, or accessory if the lawsuit involves representations by the manufacturer, distributor, or franchisor on the manufacture or performance of a motorcycle without negligence on the part of the motorcycle dealer; (b) damage to merchandise in transit where the manufacturer, distributor, or franchisor specifies the carrier; (c) the manufacturer, distributor, or franchisor's failure to jointly defend product liability suits concerning the motorcycle, part, or accessory provided to the dealer; or (d) any other act performed by the manufacturer, distributor, or franchisor;

(16) To unfairly prevent or attempt to prevent a motorcycle dealer from receiving reasonable compensation for the value of a motorcycle;

(17) To release confidential information provided by the motorcycle dealer to the manufacturer, distributor, or franchisor without the written prior consent of the dealer;

(18) To fail to pay to a motorcycle dealer, within a reasonable time following receipt of a valid claim, any payment agreed to be made by the manufacturer, distributor, or franchisor on grounds that a new motorcycle, or a prior year's model, is in the dealer's inventory at the time of introduction of new model motorcycles;

(19) To deny any dealer the right of free association with any other dealer for any lawful purpose;

(20) To artificially and intentionally create a shortage of any motorcycle make, model, or series that results in the inequitable distribution of the make, model, or series to dealers;

(21) To charge increased prices without having given written notice to the dealers at least fifteen days prior to the effective date of the price increases;

(22) To permit factory authorized warranty service to be performed upon motorcycles or accessories by persons other than their franchised motorcycle dealers;

(23) To unreasonably interfere with a dealer's performance under the franchise agreement's sale quota by withholding sufficient deliveries of motorcycles; or

(24) To own, operate, or control any motorcycle dealer or place of business selling at retail in the state.

**NEW SECTION. Sec. 5.** (1) The manufacturer, distributor, or franchisor shall not prevent, attempt to prevent, refuse to give effect to, attempt to refuse to give effect to, or in any way hinder the succession to the ownership, management, control, or continuance of a dealer's motorcycle business by a designated family member upon the death or incapacity of the dealer, except as otherwise provided in this chapter.

(2) A designated family member, at his or her discretion, may succeed the dealer in ownership or management control under the existing agreement. The designated family member shall provide notice to the franchisor, in writing, of the intention to succeed to the franchise within one hundred twenty days after the dealer's death or incapacity. The designated family member shall agree to be bound by the terms of the original franchise. The designated family member shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

(3) A designated family member may only be rejected for succession on reasonable grounds. The franchisor shall provide written notice to the designated family member within sixty days of receipt of notice of the intention to succeed. The notice shall state the specific grounds for refusal, termination, or nonrenewal of the franchise and shall not take effect less than ninety days after receipt of the notice by the designated family member. If notice is not served within the designated time period, the franchise shall continue in effect with the designated family member.

(4) The designated family member may appeal to the appropriate court within ninety days of receipt of notice of refusal, termination, or nonrenewal. The franchisor has the burden of proving reasonable grounds. A designated family member prevailing in such action shall recover reasonable costs and attorney's fees.

(5) A dealer may designate any person as the recipient of the franchise by making a notarized statement in accordance with section 3(2) of this act. The statement shall be filed with the franchisor. The statement shall be controlling and binding on all heirs and testamentary successors. The recipient shall agree to be bound by the terms of the original franchise. The recipient shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

**NEW SECTION. Sec. 6.** (1) A person desiring to enter into a franchise establishing or relocating a motorcycle dealer shall notify, in writing, each existing franchised dealer of the same manufacturer, distributor, or franchisor, in the relevant market area of its intention to establish or relocate a dealer. Within one hundred twenty days of receiving the notice, or within one hundred twenty days after the end of any appeal period procedure provided by the person, whichever is later, any existing franchised dealer to whom the person is required to give notice under this subsection may file an action in the superior court of the county in which the existing franchise dealer's place of business is located, challenging the proposed establishment or relocation of the dealership within the relevant market area.

(2) Authority to enter into a franchise establishing or relocating a dealer shall only be granted by the manufacturer, distributor, or franchisor proving just cause. Just cause includes but is not limited to:

(a) The amount of business transacted by existing dealers when compared with the amount of business available to them;

(b) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(c) The effect of the proposed franchise on the retail motorcycle business in the relevant market area;

(d) Whether it is injurious to the public welfare for the proposed dealer to be established or relocated;

(e) Whether the existing dealers are providing adequate customer care for the motorcycles sold, including the adequacy of motorcycle service facilities;

(f) Whether the existing dealers are receiving vehicles and parts in quantities promised by the manufacturer, factory branch, distributor, or franchisor, and on what volume of promised quantities existing dealers based their investment and scope of operations;

(g) The effect on the retail motorcycle business and the consuming public in the relevant market area; and

(h) Injury to the public welfare if the proposed establishment or relocation is allowed.

For the purposes of this subsection, the reopening of a dealer's place of business that has been closed for less than six months at the original location is not the establishment or relocation of a dealer.

(3) Except for test marketing, a franchisor shall offer a new motorcycle model, line, or product for resale to all dealers and require that all similarly situated dealers meet the same conditions for marketing the new model, line, or product.

(4) Each new or renewed franchise with an individual franchisor, occurring on or after the effective date of this act, shall include all motorcycle models, types, or products which are under separate franchises between that individual franchisor and dealer.

**NEW SECTION.** Sec. 7. (1) Upon the termination or nonrenewal of a franchise, the dealer shall be paid fair and reasonable compensation by the franchisor for:

(a) All new motorcycle inventory, including new motorcycles not of the current model year, purchased from the manufacturer, distributor, or franchisor that has not been materially altered, damaged, or driven more than fifty miles;

(b) All new, rebuilt, or used parts and accessories received from the manufacturer, distributor, or franchisor;

(c) Equipment, furnishings, and signs purchased from the manufacturer, distributor, or franchisor; and

(d) Special tools purchased from the manufacturer, distributor, or franchisor.

Compensation shall not be less than the current prices charged by the manufacturer, distributor, or franchisor for the new, rebuilt, or used items specified in (a) and (b) of this subsection or the fair market value for items specified in (c) and (d) of this subsection.

(2) In the event of termination or nonrenewal of the franchise by the franchisor without good cause, the franchisor shall pay the dealer, at the dealer's election, fair and reasonable compensation for the value of the dealership within six months of the effective date of the termination or nonrenewal. Compensation shall include, but not exclusively, all items listed in subsection (1) of this section, any real and personal property associated with the place of business, and business good will. The dealer has a responsibility to mitigate damages.

(3) Subsections (1) and (2) of this section do not apply if the dealer has acted illegally or fraudulently in the procurement of the franchise, or has acted illegally or fraudulently in the operation of the franchise.

**NEW SECTION.** Sec. 8. (1) The manufacturer, distributor, or franchisor shall compensate the dealer for labor, parts, and other expenses incurred to comply with the manufacturer, distributor, or franchisor's warranty agreements, and for work and services performed in connection with delivery and preparation of motorcycles received from the manufacturer, distributor, or franchisor. The compensation shall not be less than the rates reasonably charged by the dealer for like services and parts to retail customers.

(2) All claims for compensation made by the dealer shall be paid within thirty days after approval and shall be approved or disapproved within thirty days of their receipt by the manufacturer, distributor, or franchisor. Any denial of claim shall be in writing and shall set forth the specific grounds for denial.

(3) A claim that has been approved and paid shall not be charged back to the dealer unless it is established the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or the dealer failed to reasonably substantiate the claim.

**NEW SECTION.** Sec. 9. No manufacturer, distributor, or franchisor shall require or coerce any dealer to sell, assign, or transfer a retail sales installment contract, or require the dealer to act as an agent for any manufacturer, distributor, or franchisor in the securing of a promissory note, a security agreement given in connection with the sale of a motorcycle, or securing of a policy of insurance for a motorcycle. The manufacturer, distributor, or franchisor may not condition delivery of motorcycles, parts, or accessories upon the dealer's assignment, sale, or other transfer of sales installment contracts to specific finance companies.

**NEW SECTION.** Sec. 10. Any person injured by a violation of this chapter may bring a civil action in a court of competent jurisdiction to enjoin further violations or to recover damages. Injunctive relief may be granted in an action brought under this chapter without the dealer being required to post a bond if, in the opinion of the court, there exists a likelihood the dealer may prevail upon the merits.

**NEW SECTION.** Sec. 11. Except as otherwise provided in this chapter, any civil action under this chapter shall be brought within four years after discovery by the aggrieved party of the facts constituting a violation of this chapter.

Sec. 12. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 152, Laws of 1981 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by

order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a 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 sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices; or

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder, or was a partner in a partnership or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has been adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a 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:

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(k) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of such property or funds.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is 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;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale 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;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington, other than a motorcycle dealer governed by chapter 46.-- RCW (sections 1 through 11 of this 1985 act), who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 13. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 6, chapter 152, Laws of 1981 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice; PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.-- RCW (sections 1 through 11 of this 1985 act), to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties.

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 11 of this act shall constitute a new chapter in Title 46 RCW.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Warnke moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3333.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, I was listening to you and it sounded as if you were quite well informed. Could you tell me, will this bill now as it is drafted prohibit Nordstroms from moving in alongside of my store, which is the Bon Marche, because they are not ten miles apart?"

Senator Lee: "Senator Rasmussen, this bill only applies to a particular kind of a franchise. In fact, that was one of Senator McDonald's problems with it. It's only motorcycle dealers franchises of that definition of what a motorcycle dealer is in the bill, so it does not apply to any other kind of retailer."

Senator Rasmussen: "Could a bill like this be amended to take care of my store, so I wouldn't have any competition closeby?"

Senator Lee: "If some other kind of retail business has a particular problem, they can come to this legislature and try to get it resolved. Now, whether it should be is up to the judgment of this particular body."

Senator Rasmussen: "Well, you seem to be advocating it for one horse, I thought maybe it would be good for two horses. I'll probably ask Senator Warnke. Thank you, Senator Lee."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, could you explain how this differs from the dealer's bill that was passed a number of years ago which protected the dealer of whatever automobile he was having from predatory tactics by the distributor or the factory. What difference is there in this? I don't recall that we had territories assigned to the various dealers in that bill."

Senator Warnke: "Senator Rasmussen, are you referring to the auto dealer's bill that passed many years ago? The only difference that I can think of--there are differences in this bill because we are giving them a different product. Number one, is that you're dealing with a product under 1500 pounds gross weight, which sets up a different system. Secondly, there are territorial radiuses identified in this bill which are not in auto dealership. The justification for that was that auto dealers have a much greater protection from their manufacturer of setting up competing businesses side-by-side than motorcycle or recreational dealers."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke to concur in the House amendment to Engrossed Substitute Senate Bill No. 3333.

The motion by Senator Warnke carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3333.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3333, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3333, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Guess, McDermott, McDonald, Peterson, Pullen, Rasmussen, Saling, Zimmerman - 13.

Absent: Senator Conner - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3333, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4361 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 90, Laws of 1982 as amended by section 1, chapter 120, Laws of 1984 and RCW 27.60.020 are each amended to read as follows:

(1) There is established the 1989 Washington centennial commission composed of (~~fifteen~~) twenty-five members selected as follows:

(a) (~~Two~~) Four members of the house of representatives appointed by the speaker of the house, (~~one~~) two from each political party;

(b) (~~Two~~) Four members of the senate appointed by the president of the senate, (~~one~~) two from each political party;

(c) (~~Eleven~~) Seventeen citizens of the state, appointed by and serving at the pleasure of the governor, including a person from a minority culture to represent the state's minority communities, at least one person to represent small towns and rural areas, at least one person representing a state-wide historic preservation organization, and at least one person representing a state historical society.

(2) The chairperson of the commission shall be appointed by the governor from among the citizen members.

(3) The commission shall meet at such times as it is called by the governor or by the chairperson of the commission.

Sec. 2. Section 4, chapter 90, Laws of 1982 and RCW 27.60.040 are each amended to read as follows:

The 1989 Washington centennial commission shall develop a comprehensive program for celebrating the centennial of Washington's admission to the union in 1889. The program shall be developed to represent the contributions of all peoples and cultures to Washington state history and to the maximum feasible extent shall be designed to encourage and support participation in the centennial by all interested communities in the state. Program elements shall include:

(1) An annual report to the governor and the legislature incorporating the commission's specific recommendations for the centennial celebration. The report shall recommend projects and activities including, but not limited to:

(a) Restoration of historic properties, with emphasis on those properties appropriate for use in the observance of the centennial;

(b) State and local historic preservation programs and activities;

(c) State and local archaeological programs and activities;

(d) Publications, films, and other educational materials;

~~((f\*))~~ (e) Bibliographical and documentary projects;

~~((f\*))~~ (f) Conferences, lectures, seminars, and other programs;

~~((f\*))~~ (g) Museum, library, cultural center, and park improvements, services, and exhibits,

including mobile exhibits: ~~((and~~

~~((g\*))~~ (h) Destination tourism attractions. Such destination tourism attractions (i) shall be based upon the heritage of the state, (ii) shall be sponsored and owned by the state, a municipal corporation thereof, or a nonprofit corporation which has qualified under section 501(c)(3) of the federal internal revenue code, and (iii) shall satisfy economic development criteria established in cooperation with the director of the department of commerce and economic development in accordance with the administrative procedure act, chapter 34.04 RCW; and

(i) Ceremonies and celebrations.

~~(2) ((A funding proposal to the 1983 legislature which shall include, but not be limited to, a proposal for the issuance of general obligation bonds of the state of Washington)) The implementation of programs as supported by legislative appropriation, gifts and grants provided for the purposes of this chapter, and earned income as provided in RCW 27.60.060, for a Pacific celebration, centennial games, centennial publications, audio-visual productions, and local celebrations throughout the state.~~

Sec. 3. Section 2, chapter 120, Laws of 1984 and RCW 27.60.060 are each amended to read as follows:

Subject to existing state law, the commission may disburse legislatively appropriated funds for commemorative programs and activities. It may accept gifts or grants from public or private sources and deposit the same in the centennial fund which is hereby created in the custody of the state treasurer. It may generate earned income through contractual licensing of its symbol and other centennial-related identification and insignia for use in commercially manufactured commemorative products and through other activities, or grant use of the symbol in recognition of services provided, and deposit the same in the centennial fund. ~~((Gifts, grants, and earned income shall be retained in a separate account within the general))~~ Legislative appropriation is required for the disbursement of moneys in the centennial fund except for those moneys derived from gifts or grants deposited in the centennial fund for use by the commission in the support of commemorative programs and activities defined but not limited by RCW 27.60.040((+)(a) through (g)). Funds not expended by December 31, 1990, shall ~~((revert to))~~ be deposited in the general fund.

NEW SECTION, Sec. 4. A new section is added to chapter 27.60 RCW to read as follows:

(1) The 1989 Washington centennial commission shall implement or assist in the implementation of a program to observe the two hundredth anniversary of the adoption of the United States Constitution and the one hundredth anniversary of the adoption of the state Constitution. This program shall be designed to promote public education concerning the United States Constitution and the state Constitution and shall include the development of opportunities to explore the relationship between the federal and state Constitutions.

(2) In carrying out its responsibilities under this section, the commission may cooperate with, assist, or sponsor private organizations which are conducting programs consistent with this chapter. Such assistance may include securing the necessary recognition, support, and financial resources to ensure implementation of these educational programs on a state-wide basis.

(3) The commission may appoint an advisory committee for the purpose of advising the commission on matters relating to its duties under this section."

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "27.60.060" and before the period insert "; and adding a new section to chapter 27.60 RCW".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4361.

Debate ensued.

#### POINT OF INQUIRY

Senator Garrett: "Senator Talmadge, if this passes and the commission looks like it will have an existence for a long time, do you think it would be a good idea if we asked them to look into what we should have for a state song, or whether we should have more than one to give them a little more work to do?"

Senator Talmadge: "I think, Senator Garrett, they demonstrated such a fine survival capacity that who knows, maybe next they'd get into such topics as the state folk song, the state rock song, the state song, the state needle, which is space, the state rock, the state dance, the state grass. Who knows what next they could come up with?"

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kreidler to concur in the House amendments to Substitute Senate Bill No. 4361.

The motion by Senator Kreidler carried and the Senate did concur in the House amendments to Substitute Senate Bill No. 4361.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4361, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4361, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalif, Moore, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bender, Benitz, Fleming, Garrett, Guess, McCaslin, Rasmussen, Rinehart, Talmadge - 9.

Absent: Senators Conner, Newhouse, Vognild - 3.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 4361, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SUBSTITUE SENATE BILL NO. 3797 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. All powers, duties, and functions of the department of social and health services pertaining to the state school for the blind and the state school for the deaf are transferred to the state school for the blind and the state school for the deaf, respectively.

**NEW SECTION.** Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services and pertaining to the powers, functions, and duties transferred by section 1 of this act shall be delivered to the custody of the state school for the blind and the state school for the deaf, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, functions, and duties transferred by section 1 of this act shall be made available to the state school for the blind and the state school for the deaf, as applicable. All funds, credits, or other assets including but not limited to any real and personal property held in connection with the powers, functions, and

duties transferred by section 1 of this act shall be assigned to the state school for the blind and the state school for the deaf, as applicable.

Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred by section 1 of this act shall, on the effective date of this act, be transferred and credited to the state school for the blind and the state school for the deaf, as applicable, which amounts shall be determined by the office of financial management and shall also include the amounts appropriated to the department of social and health services for any support services provided.

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. 3. All classified employees of the department of social and health services engaged in performing the powers, functions, and duties transferred by section 1 of this act are transferred to the jurisdiction of the state school for the blind and the state school for the deaf. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state school for the blind and the state school for the deaf, as applicable, to perform their usual duties upon the same terms as formerly, without any loss of rights including but not limited to current employees existing promotional, transfer, and reduction in force rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION.** Sec. 4. All rules and all pending business before the department of social and health services pertaining to the powers, functions, and duties transferred by section 1 of this act shall be continued and acted upon by the state school for the blind and the state school for the deaf, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the state school for the blind and the state school for the deaf.

**NEW SECTION.** Sec. 5. The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed by such employee prior to the effective date of this act.

**NEW SECTION.** Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 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. 7. Nothing contained in sections 1 through 6 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.

Sec. 8. Section 72.01.050, chapter 28, Laws of 1959 as last amended by section 68, chapter 136, Laws of 1981 and RCW 72.01.050 are each amended to read as follows:

(1) The secretary of social and health services shall have full power to manage and govern the following public institutions: The western state hospital, the eastern state hospital, the northern state hospital, the state training school, the state school for girls, Lakeland Village, the Rainier school, ~~((the state school for the deaf, the state school for the blind;))~~ and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage and govern the following public institutions: The state penitentiary, the state reformatory, the Washington corrections center, the McNeil Island penitentiary, the Purdy treatment center for women, the Cedar Creek corrections center, the Clearwater corrections center, the Firland correctional center, the Indian Ridge treatment center, the Larch corrections center, the Olympic correctional center, Pine Lodge correctional center, and the special offender center, subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any of the facilities specified in subsection (2) of this section is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

Sec. 9. Section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 167, Laws of 1980 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, mentally and physically handicapped persons, and ~~((deaf and blind))~~ hearing and visually impaired children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as

will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, ~~((the state school for the blind, the state school for the deaf,))~~ and like residential state schools, camps and centers hereafter established, and to place them under the department of social and health services except where specified otherwise; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 10. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 12, chapter 191, Laws of 1983 and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility; PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. ~~((This shall not apply to the state school for the deaf or the state school for the blind.))~~

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 11. Section 72.40.010, chapter 28, Laws of 1959 and RCW 72.40.010 are each amended to read as follows:

There are established at Vancouver, Clark county, ~~((an institution))~~ a school which shall be known as the state school for the blind, and a separate ~~((institution))~~ school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

The schools shall be under the direction of their respective superintendents with the advice of the board of trustees.

**NEW SECTION.** Sec. 12. A new section is added to chapter 72.40 RCW to read as follows:

The hours of labor for each full time employee shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary. If an employee is granted compensatory time off, such time off should be given within the calendar year and if such an

arrangement is not possible the employee shall be given a premium rate of pay. However, compensatory time or payment in lieu thereof shall be allowed only for overtime as is duly authorized and accounted for under rules by each superintendent.

Sec. 13. Section 72.40.020, chapter 28, Laws of 1959 as amended by section 247, chapter 141, Laws of 1979 and RCW 72.40.020 are each amended to read as follows:

The ~~((secretary))~~ governor shall appoint a superintendent for ~~((each institution))~~ the state school for the blind. The superintendent ~~((s must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and the deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons:~~

~~The secretary may discharge any employee in his discretion)) shall have a masters degree from an accredited college or university in school administration or blind education, five years of experience teaching blind students in the classroom, and three years administrative or supervisory experience in programs for blind students.~~

NEW SECTION. Sec. 14. A new section is added to chapter 72.40 RCW to read as follows:

The governor shall appoint a superintendent for the state school for the deaf. The superintendent shall have a masters degree from an accredited college or university in school administration or deaf education, five years of experience teaching deaf students in the classroom, and three years administrative or supervisory experience in programs for deaf students.

NEW SECTION. Sec. 15. A new section is added to chapter 72.40 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the blind and the superintendent of the state school for the deaf:

- (1) Shall have full control of their respective schools and the property of various kinds.
- (2) May establish criteria, in addition to state certification, for teachers at their respective schools.
- (3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.
- (4) Shall establish the course of study including vocational training, with the assistance of the faculty and the advice of the respective boards of trustees.
- (5) May establish new facilities as needs demand.
- (6) May adopt rules, under chapter 34.04 RCW, as deemed necessary for the government, management, and operation of the housing facilities.
- (7) Shall control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of their respective schools.
- (8) May adopt rules for pedestrian and vehicular traffic on property owned, operated, and maintained by the respective schools.
- (9) Purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of their respective schools.
- (10) Except as otherwise provided by law, may enter into contracts as each superintendent deems essential to the respective purposes of their schools.
- (11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the respective schools; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.
- (12) May contract with the department of social and health services for management consultant or other services which the department, if requested, shall provide.
- (13) May, except as otherwise provided by law, enter into contracts as the superintendents deem essential for the operation of their respective schools.
- (14) Shall adopt rules providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.
- (15) Shall prepare and administer their respective budgets consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.
- (16) May adopt rules under chapter 34.04 RCW and perform all other acts not forbidden by law as the superintendents deem necessary or appropriate to the administration of their respective schools.

Sec. 16. Section 6, chapter 50, Laws of 1970 ex. sess. as amended by section 248, chapter 141, Laws of 1979 and RCW 72.40.031 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same

manner as other agencies of state government, and the schools will not be in session on such days and such other days as may be approved by the (~~secretary of social and health services~~) respective superintendents. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the (~~secretary~~) respective superintendents, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of such schools.

NEW SECTION, Sec. 17. A new section is added to chapter 72.40 RCW to read as follows:

In addition to the powers and duties under section 15 of this act, the superintendent of each school shall:

(1) Monitor the location and educational placement of each student reported to the superintendents by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction and assist school districts in improving their instructional programs for students with visual or hearing impairments.

NEW SECTION, Sec. 18. A new section is added to chapter 72.40 RCW to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the state board of education or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

Sec. 19. Section 72.40.040, chapter 28, Laws of 1959 as last amended by section 4, chapter 160, Laws of 1984 and RCW 72.40.040 are each amended to read as follows:

The schools shall be free to residents of the state between the ages of five and twenty-one years until the 1984-85 school year, between the ages of four and twenty-one years commencing with the 1984-85 school year, and between the ages of three and twenty-one years commencing with the 1985-86 school year (~~and who are blind or deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases~~) and who are visually or hearing impaired or otherwise sensory handicapped with problems of learning originating mainly due to a visual or auditory deficiency. Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty; PROVIDED, That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

Sec. 20. Section 72.40.050, chapter 28, Laws of 1959 as amended by section 249, chapter 141, Laws of 1979 and RCW 72.40.050 are each amended to read as follows:

The (~~secretary~~) superintendents may admit to (~~the~~) their respective schools (~~blind or deaf~~) visually or hearing impaired children from other states as appropriate, but the parents or guardians of such children or other state will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children as set by the applicable superintendent.

Sec. 21. Section 72.40.060, chapter 28, Laws of 1959 as last amended by section 151, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.060 are each amended to read as follows:

It shall be the duty of (~~the clerks of~~) all school districts in the state, (at the time for making the annual reports,) to report to (~~the superintendent of~~) their respective educational service districts the names of all (deaf, mute, or blind) visually or hearing impaired youth residing within their respective school districts who are between the ages of (six) three and twenty-one years.

Sec. 22. Section 72.40.070, chapter 28, Laws of 1959 as last amended by section 250, chapter 141, Laws of 1979 and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each educational service district (~~superintendent~~) to make a full and specific report of (~~such deaf, mute, or blind~~) visually or hearing impaired youth to the (board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the secretary and the) superintendent of the school for the blind or the school for the deaf, as the case may be and the superintendent of public instruction, annually. The superintendent of public instruction shall report about the hearing or visually impaired youth to the school for the blind and the school for the deaf, as the case may be, annually.

Sec. 23. Section 72.40.080, chapter 28, Laws of 1959 as last amended by section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such ~~((blind or deaf))~~ visually or hearing impaired youth to send them each year to the proper school or institution. Full and due consideration shall be given to the parent's or guardian's preference as to which program the child should attend. The educational service district superintendent shall take all action necessary to enforce this section. ~~((If satisfactory evidence is laid before the educational service district superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education.))~~

Sec. 24. Section 72.40.090, chapter 28, Laws of 1959 as amended by section 1, chapter 51, Laws of 1975 and RCW 72.40.090 are each amended to read as follows:

If it appears to the satisfaction of the board of county commissioners that the parents of any such ~~((blind or deaf))~~ visually or hearing impaired youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county. Nothing in this section shall be construed as prohibiting the ~~((department))~~ superintendents from authorizing or incurring such travel expenses for the purpose of transporting such ~~((blind or deaf))~~ visually or hearing impaired youth to and from points within this state during weekends and/or vacation periods. For the purposes of this section, the ~~((department))~~ superintendents shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of ~~((deaf and blind))~~ hearing or visually impaired students.

Sec. 25. Section 72.40.100, chapter 28, Laws of 1959 as last amended by section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, or educational service district superintendent ~~((or county commissioner))~~ who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

**NEW SECTION.** Sec. 26. A new section is added to chapter 72.40 RCW to read as follows:

Appropriations for the school for the deaf and the school for the blind shall be made to the superintendent of public instruction. The amounts for each institution shall be specified and shall not be used for any other purpose. The superintendent of public instruction shall transmit all the moneys to the state school for the blind or the state school for the deaf at the request of the superintendents of the respective schools.

**NEW SECTION.** Sec. 27. A new section is added to chapter 72.41 RCW to read as follows:

Unless the context clearly requires otherwise, as used in this chapter "superintendent" means superintendent of the state school for the blind.

Sec. 28. Section 1, chapter 118, Laws of 1973 and RCW 72.41.010 are each amended to read as follows:

It is the intention of the legislature in creating a board of trustees for the state school for the blind to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the legislature and ~~((directly to the secretary of the department of social and health services, hereinafter denominated the "secretary"))~~ to the superintendent of the Washington state school for the blind, in the development of programs for the ~~((blind))~~ visually impaired, and in the operation of the Washington state school for the blind.

Sec. 29. Section 2, chapter 118, Laws of 1973 as amended by section 13, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.41.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the blind to be composed of ~~((twelve trustees in making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts now or hereafter existing. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the ~~((Washington state association for the blind and))~~ national federation of the blind of Washington, a representative of the united blind of Washington state, one representative designated by the teacher association((;)) of the Washington state school for the blind, and a houseparent designated by the houseparents' exclusive bargaining representative shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees of the governor to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

~~Thereafter 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 within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the blind, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator, appointed after the effective date of this 1985 act, or an elected officer or member of the legislative authority or any municipal corporation.

The board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may ~~((adjourn))~~ convene from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The superintendent of the state school for the blind shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Sec. 30. Section 4, chapter 118, Laws of 1973 and RCW 72.41.040 are each amended to read as follows:

~~((Under the general auspices of the secretary of the department of social and health services.))~~ The board of trustees of the state school for the blind:

(1) Shall monitor and inspect all existing facilities of the state school for the blind, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ submit a list of three qualified candidates for superintendent~~((;))~~ to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall with the exception of the superintendent all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((June 7, 1973))~~ the effective date of this 1985 act, 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 the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) ~~May recommend to the ((secretary)) superintendent~~ the establishment of new facilities as needs demand;

~~((6))~~ (6) May recommend to the ~~((secretary))~~ superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

~~((6))~~ (7) May make recommendations to the ~~((secretary))~~ superintendent concerning 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 the school for the blind;

~~((7))~~ (8) May make recommendations to the ~~((secretary))~~ superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the blind;

~~((8))~~ (9) Shall recommend to the ~~((secretary))~~ superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the blind, in accordance with other applicable provisions of law and rules and regulations;

~~((9))~~ (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate;

~~((10))~~ (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the blind;

~~((11))~~ (12) Shall perform any other duties and responsibilities prescribed by the ~~((secretary))~~ superintendent.

Sec. 31. Section 1, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.010 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the state school for the deaf to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the ((secretary of the department of social and health services, hereinafter denominated the "secretary")) legislature and to the superintendent of the Washington state

school for the deaf in the development of programs for the ~~((deaf))~~ hearing impaired, and in the operation of the Washington state school for the deaf.

NEW SECTION. Sec. 32. A new section is added to chapter 72.42 RCW to read as follows:

Unless the context clearly requires otherwise as used in this chapter "superintendent" means superintendent of the Washington state school for the deaf.

Sec. 33. Section 2, chapter 96, Laws of 1972 ex. sess. as amended by section 15, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.42.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the deaf to be composed of ~~((eleven trustees, of whom eight shall be appointed by the governor. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. The president of the parent-teachers house organization of the ((deaf)) school for the deaf, ((the vice president of the parent-teachers house organization of the deaf school)) a houseparent selected by the houseparents' exclusive bargaining representative, one representative designated by the teacher association of the school for the deaf, and the president of the Washington state association for the deaf shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

Thereafter 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 within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts, as now or hereafter existing. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the deaf, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator appointed after the effective date of this act, or an elected officer or member of the legislative authority of any municipal corporation.

The board of trustees shall organize itself by electing a ~~((chairman))~~ chairperson, vice-chairperson, and secretary from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. ((The superintendent of the state school for the deaf shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.))

Sec. 34. Section 4, chapter 96, Laws of 1972 ex. sess. as amended by section 1, chapter 42, Laws of 1981 and RCW 72.42.040 are each amended to read as follows:

~~((Subject to the direction and control of the secretary of the department of social and health services.))~~ The board of trustees of the state school for the deaf:

(1) Shall monitor and inspect all existing facilities of the state school for the deaf, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ develop a process for recommending candidates for the position of superintendent and upon a vacancy shall submit a list of three qualified candidates for superintendent((:)) to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall all with the exception of the superintendent be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. ((The board in consultation with the secretary shall establish qualifications for the position of superintendent. The board shall evaluate the superintendent annually and when necessary may recommend disciplinary action in respect to the superintendent.)) All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((May 23, 1972))~~ the effective date of this 1985 act, 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 the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor at any time that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) May recommend to the ((secretary)) superintendent the establishment of new facilities as needs demand;

((5)) (6) May recommend to the ((secretary)) superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

((6)) (7) May make recommendations to the ((secretary)) superintendent concerning 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 the school for the deaf;

((7)) (8) May make recommendations to the ((secretary)) superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the deaf;

((8)) (9) Shall recommend to the ((secretary)) superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the deaf, in accordance with other applicable provisions of law and rules and regulations;

((9)) (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

((10)) (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the deaf;

((11)) (12) Shall perform any other duties and responsibilities prescribed by the ((secretary)) superintendent.

NEW SECTION, Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 72.05.140, chapter 28, Laws of 1959, section 180, chapter 141, Laws of 1979, section 9, chapter 217, Laws of 1979 ex. sess., section 1, chapter 58, Laws of 1980 and RCW 72.05.140;

(2) Section 100, chapter 136, Laws of 1981 and RCW 72.40.001;

(3) Section 5, chapter 118, Laws of 1973 and RCW 72.41.050; and

(4) Section 5, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.050.

NEW SECTION, Sec. 36. 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. 37. This act shall take effect July 1, 1986. The secretary of social and health services and the governor may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Substitute Senate Bill No. 3797.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3797, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3797, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wójahn, Zimmerman - 46.

Absent: Senators Conner, Deccio - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3797, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4302 with the following amendments:

On page 1, beginning on line 22, strike all material through "statements," on line 24

On page 2, line 2, after "a" strike "gross" and insert "((gross))"

On page 2, line 13, after "of" strike "two thousand" and insert "five hundred", and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4302.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4302, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4302, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Conner - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SENATE BILL NO. 4302, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 327, as amended by the Senate, restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, line 29, after "1968," strike all material through "RCW 46.16.315" on line 34, and insert "The owner of a vehicle considered by the owner to be a collector's item may retain and use the pre-1968 plates, notwithstanding any other provisions of chapter 46.16 RCW to the contrary, provided the plates are legible"

Signed by Senators Peterson, Bluechel and Vognilid; Representatives Walk, Baugher and Prince.

#### MOTION

Senator Peterson moved that the Report of the Conference Committee on Engrossed House Bill No. 327 be adopted and that the committee be granted the powers of Free Conference.

#### POINT OF INQUIRY

Senator Garrett: "Senator Peterson--'the owner of a vehicle considered to be a collector's item may retain the use of its pre-1968 plates.' Now that means that any automobile, if in the opinion of the owner--that has 1968 plates--they can keep those plates--they don't have to buy new ones?"

Senator Peterson: "They would still have to fall within RCW 46.16 and 33.15 and I don't think that presents a problem, Senator."

Senator Garrett: "In other words, you don't know the answer to the question whether that would be--"

Senator Peterson: "Well, give me a direct question and I'll try to give you a direct answer."

Senator Garrett: "Well, I've asked you and your saying I'll have to check it with 46.16 RCW in order to find the answer."

Senator Peterson: "Well, that covers legibility and I don't think it presents a problem. We tried to work it out in the measure that would help those people with antique vehicles and I don't think it presents that kind of problem."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Peterson to adopt the Report of the Conference Committee on Engrossed House Bill No. 327 and that the powers of Free Conference be granted.

The motion by Senator Peterson carried and the Report of the Conference Committee on Engrossed House Bill No. 327 was adopted and the powers of Free Conference were granted.

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

#### REPORT OF STANDING COMMITTEE

April 24, 1985

SHB 314 Prime Sponsor, Committee on Ways and Means: Modifying provisions relating to the 1983-85 state fiscal biennium. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Rasmussen, Talmadge, Thompson, Warnke, Wojahn.

Hold.

#### MOTION

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 314 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 6:07 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, April 25, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

ONE HUNDRED-SECOND DAY

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 25, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Deccio and Sellar. On motion of Senator von Reichbauer, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melody Pozgay and Joe Smith, presented the Colors. Reverend Sheryl Peterson, pastor of the United Churches of Olympia offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SENATE BILL NO. 3906 with the following amendment:  
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 184, Laws of 1982 and RCW 7.48A.040 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil ~~((penalty))~~ fine and judgment of an amount as the court ~~((may))~~ shall determine to be appropriate. In imposing the civil ~~((penalty))~~ fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the ~~((moral nuisance))~~ lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of twenty-five thousand dollars or these profits.

Sec. 2. Section 5, chapter 184, Laws of 1982 and RCW 7.48A.050 are each amended to read as follows:

All civil ~~((penalties))~~ fines assessed under RCW 7.48A.040 shall be paid into the general treasury of the governmental unit commencing the civil action.

Sec. 3. Section 8, chapter 184, Laws of 1982 and RCW 9.68.140 are each amended to read as follows:

A person who, for profit-making purposes and with knowledge, sells, exhibits, displays, or produces any lewd matter as defined in RCW 7.48A.010 is guilty of promoting pornography. Promoting pornography is a class C felony and shall bear the punishment and fines prescribed for that class of felony ~~((except that upon conviction of promoting pornography the court shall impose a fine of not less than five thousand dollars per count nor more than fifty thousand dollars per count))~~. In imposing the criminal penalty, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the felony. All fines assessed under this chapter shall be paid into the general treasury of the state.

**NEW SECTION.** Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3906.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3906, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3906, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bender, Deccio - 2.

Excused: Senator Sellar - 1.

SENATE BILL NO. 3906, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGES FROM THE HOUSE

April 25, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3069,

SUBSTITUTE SENATE BILL NO. 3099,

SUBSTITUTE SENATE BILL NO. 3125,

SUBSTITUTE SENATE BILL NO. 3179,

SENATE BILL NO. 3225,

SUBSTITUTE SENATE BILL NO. 3262,

SUBSTITUTE SENATE BILL NO. 3267,

SUBSTITUTE SENATE BILL NO. 3305,

SUBSTITUTE SENATE BILL NO. 3442,

SENATE BILL NO. 4129, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 23, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3085,

SUBSTITUTE SENATE BILL NO. 3116,

SUBSTITUTE SENATE BILL NO. 3249,

SUBSTITUTE SENATE BILL NO. 3283,

SENATE BILL NO. 3314,

SENATE BILL NO. 3325,

SUBSTITUTE SENATE BILL NO. 3386,

SUBSTITUTE SENATE BILL NO. 3776,

SENATE BILL NO. 3854,

SUBSTITUTE SENATE BILL NO. 3882,

SUBSTITUTE SENATE BILL NO. 3951,

SENATE BILL NO. 4185, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 512,

SUBSTITUTE HOUSE BILL NO. 577, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 22, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 222

and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House receded from its amendment to ENGROSSED SENATE BILL NO. 3176 and passed the bill without the House amendment, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 3220 and passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 3388 and passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1082 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 846 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House receded from its amendments to ENGROSSED SENATE BILL NO. 3357 and passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3717 and the Speaker has appointed as members of the Conference Committee: Representatives R. King, Sommers and Tilly.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SENATE BILL NO. 3233, and the Speaker has appointed as members of the Conference Committee: Representatives Dellwo, Lux and West.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 3400, and the Speaker has appointed as members of the Conference Committee: Representatives K. Wilson, Sutherland and Lundquist.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3146, and the Speaker has appointed as members of the Conference Committee: Representatives Brekke, Niemi and Lewis.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3390, and the Speaker has appointed as members of the Conference Committee: Representatives Brekke, Braddock and B. Williams.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 348, and the Speaker has appointed as members of the Conference Committee: Representatives Padden, Niemi and Armstrong.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3498, and the Speaker has appointed as members of the Conference Committee: Representatives Leonard, Day and Brooks.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 4128, and the Speaker has appointed as members of the Conference Committee: Representatives Brekke, Braddock and Lewis.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3500, and the Speaker has appointed as members of the Conference Committee: Representatives Zellinsky, Fisher and Schmidt.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 131, and the Speaker has appointed as members of the Conference Committee: Representatives Brekke, Tanner and Lewis.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3235, and the Speaker has appointed as members of the Conference Committee: Representatives Ebersole, Appelwick and Betrozoff.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1107, and the Speaker has appointed as members of the Conference Committee: Representatives Armstrong, Wineberry and Long.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 718, and the Speaker has appointed as members of the Conference Committee: Representatives Appelwick, Barnes and Todd.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The Speaker has appointed as members of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 625: Representatives McMullen, Hargrove and Schoon.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 843, and the Speaker has appointed as members of the Conference Committee: Representatives Bristow, Madsen and Nealey.

DENNIS L. HECK, Chief Clerk

April 24, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1079, and the Speaker has appointed as members of the Conference Committee: Representatives McMullen, Peery and Schoon.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 222.

SUBSTITUTE HOUSE BILL NO. 512.

SUBSTITUTE HOUSE BILL NO. 577.

## INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Damon Canfield, former Washington State Senator, who was seated with him on the rostrum.

With permission of the Senate, business was suspended, to permit Senator Canfield to address the Senate.

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

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Gaspard, the appointment of Michael Ormsby as a member of the Board of Trustees for Eastern Washington University was confirmed.

## APPOINTMENT OF MICHAEL ORMSBY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Goltz, Lee, Moore - 4.

Excused: Senator Sellar - 1.

## MOTION

On motion of Senator Gaspard, the appointment of Michael D. Coan as a member of the Council for Postsecondary Education was confirmed.

## APPOINTMENT OF MICHAEL D. COAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, Moore - 2.

Excused: Senator Sellar - 1.

## MOTION

On motion of Senator Gaspard, the appointment of Janet Skadan as a member of the Board of Regents for the University of Washington was confirmed.

## APPOINTMENT OF JANET SKADAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Sellar - 1.

## MOTION

At 10:32 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:49 a.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House again insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 3134, and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Goltz, the Senate adhered to its position regarding Engrossed Senate Bill No. 3134 and once again asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4231, and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4231 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4231, and the House amendments thereto: Senators Owen, Metcalf and Halsan.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 660, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Peterson, the Senate refuses to recede from the Senate amendments to Engrossed House Bill No. 660 and asks the House to concur therein.

## MESSAGE FROM THE HOUSE

April 17, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3066 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 139, Laws of 1981 as amended by section 1, chapter 207, Laws of 1984 and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:

(a) The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

(d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

(f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization (~~which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and~~) which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any

person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and 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. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. A business holding a class B or H license issued by the Washington state liquor control board is deemed to be an established business primarily engaged in the sale of food and drink for consumption on the premises and any authorized gambling activity operated in connection with that business is deemed an incidental activity thereto. However, the commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of

indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity: PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit;

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary; and

(c) Members of any chapter or local unit within the jurisdiction of the next higher level of the parent organization, and members of a bona fide auxiliary to that chapter or unit, may assist any other chapter or local unit of that same organization licensed by the commission in the conduct of gambling activities.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its

occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players. However, no business with a public cardroom on its premises may have more than five separate tables at which card games are played; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of ~~((one dollar))~~ two dollars per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed ~~((twenty-five))~~ fifty dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost

of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may joint (join) together to jointly conduct a fund raising event if:

(i) Approval to do so is received from the commission; and

(ii) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission.

The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection.

A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year.

The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event.

Sec. 2. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a ((~~twenty-five~~)) fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3), which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games."

On page 1, line 1 of the title, after "gambling;" strike the remainder of the title and insert "and amending RCW 9.46.020 and 9.46.110."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3066 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3066, and the House amendments thereto: Senators Moore, McDonald and Warnke.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 3630, and requests a conference thereon, and the Speaker has appointed as members of the Conference Committee: Representatives Sommers, McMullen and May, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Gaspard, the request of the House for a conference on Substitute Senate Bill No. 3630 and the House amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3630, and the House amendment thereto: Senators Gaspard, Cantu and Bauer.

## MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

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

## MOTION

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

## SENATE RESOLUTION 1985-51

by Senators Goltz, Peterson, McDermolt and Rasmussen

WHEREAS, The Sehome High School Girl's Gymnastics Team is the only team to set a national record of thirteen consecutive state championships; and

WHEREAS, The Sehome High School Girl's Gymnastics Team has won every year that the Washington Interscholastic Activity Association has been sanctioned; and

WHEREAS, The Sehome High School Girl's Gymnastics Team has lost only 1 match in the past fourteen seasons; setting a dual rate record of 201 wins and 1 loss; and

WHEREAS, Team members Heidi Molden and Lisa Riehl have been invited to represent the state of Washington June 22-23, 1985, in the All American High School Championship; and

WHEREAS, 1984-1985, head coach Vaughn Thomas has been chosen Coach of the Year by the Washington State Gymnastics Association; and

WHEREAS, 1984-1985, assistant coach Nola Ayres has established a national reputation for her coaching ability and accomplishments along with developing so many state finalists;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Sehome High School Girl's Gymnastics Team and their coaching staff be

commended for their tremendous efforts and accomplishments and their well deserved reputation as champions; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Sehome High School Girl's Gymnastics Team's head coach Vaughn Thomas and assistant coach Nola Ayres and team members Lisa Riehl, Heidi Molden, Suzanne Schwartz, Sabrina Sessa, Anne Fields, Stacey Baker, Tracy Lambert, Sue Snell, Laurie Millard, Sarah Warner and Nancy Rytand.

#### MOTION

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

#### SENATE RESOLUTION 1985-61

by Senators Zimmerman, Barr, Conner, Patterson, Peterson, Hansen, Goltz, Sellar, Benitz, Hayner and Newhouse

WHEREAS, Farmers in Washington and the United States often take substantial financial risks as they attempt to produce food for nonfarmers; and

WHEREAS, The high cost of family farming has forced about seventy percent of America's two and one-half million farmers and their spouses to seek and obtain employment in nonfarming occupations; and

WHEREAS, In 1979, the high costs and risks of family farming in Washington forced George and Ann Rohrbacher to take drastic action; and

WHEREAS, On a July morning in 1979, while atop a tractor, George Rohrbacher invented "The Farming Game" and with his wife, Ann, successfully marketed over one hundred forty thousand of the games to save their family farm; and

WHEREAS, The Farming Game has been enjoyed by thousands of American families and has been used in over one thousand five hundred schools across the country as an educational tool to illustrate the family farm economy; and

WHEREAS, The Farming Game is assembled by Goodwill Industries and provides needed employment for numerous handicapped persons; and

WHEREAS, The Farming Game also has been used by the North Dakota Mental Health Association, as part of a program to help family farmers deal with stress; and

WHEREAS, The Farming Game creates a family farm economy in miniature to give nonfarmers a taste of the risk to be found in a farming operation in these turbulent years;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington express appreciation to George and Ann Rohrbacher of Centerville, Washington for inventing the Farming Game and for helping to educate nonfarmers about the economics of family farming; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to George and Ann Rohrbacher.

#### MOTION

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

#### SENATE RESOLUTION 1985-67

by Senators Deccio, Newhouse, Hansen, Rasmussen, Williams, Garrett, Wojahn, Goltz, Vognild, Hayner and McDonald

WHEREAS, The Northern Pacific Railroad in 1885 laid out a settlement with wide boulevards and public parks modeled after the German city of Baden-Baden; and

WHEREAS, That community came to be known as Yakima; and

WHEREAS, Yakima grew to be a prosperous transportation hub serving five valleys; the Moxee, the Abtanum, the Tieton, the Naches, and the Wenas; and

WHEREAS, Yakima is the center of a prosperous agricultural valley which is the fifth largest growing area in the United States, growing 70 percent of the hops in the world and is the number one producer of apples and mint, 2nd in the raising of grapes; and

WHEREAS, Yakima in 1902 was the site of the founding of Boise Cascade Company and has been the site of many, many successful business enterprises; and

WHEREAS, Several prominent Americans have come from Yakima, including Supreme Court Justice William O. Douglas, and Securities and Exchange Commission Director Catherine May Bedell; and

WHEREAS, Yakima has grown to include residents from all over the world, of many races and speaking many different languages; and

WHEREAS, The past 100 years foreshadows another 100 years in growth and prosperity; and

WHEREAS, June 8 through June 16 is being celebrated as Yakima Centennial Week in Yakima with parades, square dancing, picnics and other old-fashioned entertainment;

NOW, THEREFORE BE IT RESOLVED, That we, The State Senate of the state of Washington, do hereby wish to acknowledge the anniversary of the city of Yakima and wish it a successful celebration of its 100th Birthday.

#### MOTION

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

#### SENATE RESOLUTION 1985-68

by Senators Kreidler, Halsan and Pullen

WHEREAS The pursuit of academic excellence and the attainment of knowledge simply for the sake of that knowledge, are extremely worthy endeavors; and

WHEREAS, Young men and women call upon themselves the substantial sacrifice of academic and competitive preparation outside of the classroom; and

WHEREAS, The Knowledge Bowl competition symbolizes the diligent pursuit of educational excellence; and

WHEREAS, A group of young competitors from Olympia's Capital High School worked arduously to qualify for the State Knowledge Bowl Tournament; and

WHEREAS, On April 20th, 1985, Capital High School Knowledge Bowl participants Karen Lewis, Mike Lopez, Shea Wilson, Tim Golden, Sarah Leisenring, Jack Pinnix, and Coach John Seeley won for their school the honor of the Washington State Knowledge Bowl Tournament Championship;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, That we dedicate our esteem for the hard work, diligence, and pursuit of excellence inherent in winning such a prestigious award; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send copies of this resolution to the members and coach of the championship team here named.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3307,  
 SUBSTITUTE SENATE BILL NO. 3346,  
 SUBSTITUTE SENATE BILL NO. 3356,  
 SENATE BILL NO. 3420,  
 SUBSTITUTE SENATE BILL NO. 3438,  
 SENATE BILL NO. 3445,  
 SENATE BILL NO. 3456,  
 SUBSTITUTE SENATE BILL NO. 3468,  
 SUBSTITUTE SENATE BILL NO. 3540,  
 SENATE BILL NO. 3762,  
 SENATE BILL NO. 3765,  
 SUBSTITUTE SENATE BILL NO. 3786,  
 SUBSTITUTE SENATE BILL NO. 3792,  
 SENATE BILL NO. 3829,  
 SENATE BILL NO. 3851,  
 SENATE BILL NO. 3852,  
 SUBSTITUTE SENATE BILL NO. 3856,  
 SUBSTITUTE SENATE BILL NO. 3898,  
 SUBSTITUTE SENATE BILL NO. 3904,  
 SUBSTITUTE SENATE BILL NO. 3911,  
 SUBSTITUTE SENATE BILL NO. 3920.

SUBSTITUTE SENATE BILL NO. 4041,  
 SUBSTITUTE SENATE BILL NO. 4107,  
 SENATE BILL NO. 4140,  
 SENATE BILL NO. 4155,  
 SENATE BILL NO. 4206,  
 SUBSTITUTE SENATE BILL NO. 4267,  
 SUBSTITUTE SENATE BILL NO. 4386,  
 SUBSTITUTE SENATE BILL NO. 4399,  
 SENATE JOINT MEMORIAL NO. 109.

## MOTION

At 12:15 p.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Cherberg.

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

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Gaspard, the appointment of Jean L. Beschel as a member of the Board of Trustees for Eastern Washington University was confirmed.

## APPOINTMENT OF JEAN L. BESCHEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 10; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bauer, Benitz, Craswell, McDermott, McManus, Newhouse, Patterson, Rinehart, Saling, Warnke - 10.

Excused: Senator Sellar - 1.

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

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3202 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 3202.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3202, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3202, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 41; nays, 1; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Voting nay: Senator Craswell - 1.

Absent: Senators Newhouse, Owen, Patterson, Rinehart, Saling, Williams - 6.

Excused: Senator Sellar - 1.

SENATE BILL NO. 3202, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3176,  
 SUBSTITUTE SENATE BILL NO. 3220,  
 SUBSTITUTE SENATE BILL NO. 3333,  
 SENATE BILL NO. 3357,  
 SUBSTITUTE SENATE BILL NO. 3388,  
 SUBSTITUTE SENATE BILL NO. 3797,  
 SENATE BILL NO. 3906,  
 SENATE BILL NO. 4302,  
 SUBSTITUTE SENATE BILL NO. 4361.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House refuses the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 3448; insists on its position regarding the House amendments thereto and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Gaspard, the Senate insists on its position regarding SUBSTITUTE SENATE BILL NO. 3448 and once again asks the House for a conference thereon. The President appointed members of the Conference Committee on Substitute Senate Bill No. 3448 April 24, 1985.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House refused to grant the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4209, receded from the amendment on page 1, line 12; refuses to recede from the remaining amendments and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate concurred in the remaining House amendments to Engrossed Substitute Senate Bill No. 4209.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4209, with the remaining House amendments.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4209, with the remaining House amendments, and the bill passed the Senate by the following vote:

Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 46.

Absent: Senators Lee, Williams - 2.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4209, with the remaining House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Williams was excused.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 358 on page 1, line 11; refuses to concur in the amendment to page 1, line 6, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Warnke, the Senate receded from the remaining amendment to Substitute House Bill No. 358.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 358, without the remaining Senate amendment.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 358, without the remaining Senate amendment, and the bill passed the Senate by the following vote:

Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 38.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, McCaslin, Metcalf, Newhouse, Zimmerman - 9.

Excused: Senators Sellar, Williams - 2.

SUBSTITUTE HOUSE BILL NO. 358, without the remaining Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Bauer and Bottiger were excused.

## MESSAGE FROM THE HOUSE

April 24, 1985

Mr. President:

The House refuses to grant the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 391; insists on its position regarding the Senate amendments thereto and again asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Rinehart, the Senate receded from the Senate amendments to Substitute House Bill No. 391.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 391, without the Senate amendments.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 391, without the Senate amendments, and the bill passed the Senate by the following vote:

Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bauer, Bottiger, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 391, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4263 with the following amendments:

On page 2, line 3, after the word "the" strike "wholesale distributor" and insert "injured party"

On page 2, line 5, after the word "the" strike "wholesale distributor" and insert "injured party".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Substitute Senate Bill No. 4263.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4263, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4263, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 42; nays, 3; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Kiskaddon, McDonald, Pullen - 3.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Bottiger, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 4263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 3120 and the House amendments ruled in order and deferred April 24, 1985.

#### MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 3120.

Debate ensued.

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

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I understand that the AAA is adamantly opposed to this legislation. Have they withdrawn their opposition?"

Senator Hansen: "I was never contacted by AAA. AAA really and truly doesn't favor the highways for automobiles and they forgot exactly how they get their produce and stuff hauled down for them to eat, so I'm not worried much about the AAA at the present time. I know what's best for the taxpayers of the state--the industry and they talk about throwing of the water and stuff--what you do is you put mud guards by this drum on it and you're catching that spray, so your outfit tracks better, you can follow it, it's a safer rig on the road and for the life of me it's no part of the triple trailer."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Peterson that the Senate do concur in the House amendments to Senate Bill No. 3120.

## ROLL CALL

The Secretary called the roll and the motion by Senator Peterson failed and the Senate did not concur in the House amendments by the following vote:

Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Conner, Deccio, Goltz, Guess, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Newhouse, Patterson, Peterson, Pullen, Saling, Stratton, Vognild, Zimmerman - 22.

Voting nay: Senators Bender, Bluechel, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Johnson, Lee, McDermott, Metcalf, Moore, Owen, Rasmussen, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 25.

Excused: Senators Bauer, Sellar - 2.

## MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3120 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3189 and the pending House amendments deferred April 10, 1985.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Engrossed Senate Bill No. 3189 is a measure authorizing voluntary payroll deductions for political action committees by state employees.

"The amendments proposed by the House of Representatives authorize voluntary payroll deductions for political committees by state employees with administrative limitations for the payment of those deductions to such committees.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The House of Representatives amendments were ruled in order.

## MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3189.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Would Senator Hayner yield to a question?"

Senator Hayner would not yield.

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Thompson that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3189.

## ROLL CALL

The Secretary called the roll and the motion by Senator Thompson carried and the Senate concurred in the House amendments by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, von Reichbauer, Zimmerman - 20.

Excused: Senator Sellar - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3189, as amended by the House.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3189, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, von Reichbauer, Zimmerman - 20.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 3189, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 19, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3877 with the following amendments:

On page 1, beginning on line 9, strike "sixteen" and insert "fourteen"

On page 1, line 15, after "nonresidents," insert "Nonresidents may purchase a two consecutive day personal use license for three dollars."

On page 1, line 24, after "person" strike "sixteen" and insert "fourteen"

On page 2, beginning on line 9, strike "sixteen" and insert "((sixteen)) fourteen"

On page 2, line 9, after "older" strike all material through "age," and insert "((-and under seventy years of age-))"

On page 2, line 12, after "who" insert "is fishing from a licensed charter boat and"

On page 2, line 34, after "license" strike "and salmon punchard"

On page 2, line 34, after "license" strike "and salmon punchard"

On page 3, line 1, after "license" strike "and salmon punchard"

On page 3, line 2, after "issued" insert "free"

On page 3, line 3, after "holder," insert a new subsection as follows:

"(3) A person seventy years of age or older who has been a resident for ten years may receive a personal use license upon payment of a fee equal to one-half of the amount specified in this chapter."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTIONS

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3877.

On motion of Senator Bender, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3877, as amended by the House.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3877, as amended by the House, and the bill failed to pass the Senate by the following vote:

Yeas, 13; nays, 33; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bottiger, Deccio, Gaspard, Goltz, McCaslin, Newhouse, Patterson, Rinehart, Saling, Stratton, Warnke, Wojahn - 13.

Voting nay: Senators Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 33.

Absent: Senator McDermott - 1.

Excused: Senators Bauer, Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3877, as amended by the House, having failed to receive the constitutional majority, was declared lost.

## MOTION

At 4:05 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:10 p.m. by President Cherberg.

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

## REPORT OF STANDING COMMITTEE

April 25, 1985

RE2SSB 3827 Prime Sponsor, Committee on Ways and Means: Authorizing bonds for water pollution control facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 3827 be substituted therefor, and the third substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTION

On motion of Senator Bottiger, the rules were suspended, Reengrossed Second Substitute Senate Bill No. 3827 was advanced to second reading and placed on the second reading calendar.

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

## SECOND READING

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3827, by Committee on Ways and Means (originally sponsored by Senators Kreidler, Talmadge, Bluechel, Moore, McManus, Stratton, Warnke, Bender, Fleming, Rasmussen, Williams, Vognild, Cantu, Saling, Granlund, Goltz, Kiskaddon, Gaspard, Johnson, Conner, Bailey, Lee, Garrett, von Reichbauer, Zimmerman and Bauer) (by Governor Gardner request)

Authorizing bonds for water pollution control facilities.

## MOTIONS

On motion of Senator McDermott, Third Substitute Senate Bill No. 3827 was substituted for Reengrossed Second Substitute Senate Bill No. 3827 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment was adopted:  
On page 4, line 6, after "with" insert "at least"

On motion of Senator McDermott, the rules were suspended, Engrossed Third Substitute Senate Bill No. 3827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator McCaslin: "Senator Kreidler, on page 4, subsection (5), when we talked about 'removing pollutants from,' do you know what that means? Addressing our problem, sole source aquifer, of course, we're talking about the installation of sewer facilities and so forth which would keep pollutants from entering the aquifer. But when we talk about removing pollutants, I'm just not sure what that language means."

Senator Kreidler: "Senator McCaslin, as I understand that language, it's speaking to just exactly what you said, keeping pollutants from getting into the aquifer and the wording there is kind of the standard language that has been used and has been used consistently when we've had the bond measure before us, and as I understand it, it's the language that's standardly used in referencing and describing the preventing of pollutants from there. Even though it sounds like we're going

down into the ground and removing them, we are essentially stopping them from getting into the aquifer, as it would apply in this case."

Senator McCaslin: "One other short question, if you would, Senator Kreidler. 'Significant subterranean water bodies'--do you have a definition of that or what DOE would define that as being? I think of it as sole source aquifer."

Senator Kreidler: "I think that is another description of sole source aquifers and we see here that it's referencing sole source aquifers. As an example of what you described there, a significant subterranean of water bodies, but not all of them necessarily meet the specific description of a sole source aquifer, some of them are going to be ones that may go on and not meet that particular category definition. Sole source aquifer meets that definition, but is more specific and that's the reason for describing it that way by them being more specific. As you can see now, two-thirds of the money in that particular category is specifically for the Spokane aquifer."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, I want to be certain that I understand your intent in striking language that was included originally in Section 8 of the bill. The language was stricken in the Ways and Means Committee and required a signed grant agreement for solid waste facility construction by December 31, 1987, if Referendum 39 money is to be guaranteed for the project. Since 1980, less than ten percent of the Referendum 39 money allocated for solid waste has been requested. I suppose that you would support having this money used for other purposes, such as water quality or agricultural pollution control if signed grant agreements for solid waste facilities that do not come about in the next two to three years?"

Senator Bottiger: "Senator Talmadge, my opposition to the inclusion of that language is not intended to indefinitely postpone the delay. If progress is not made within a reasonable period of time--two to three years being--I think reasonable, then I think that money ought to be released, but I would point out that garbage dumps are polluting water and it's a problem that we're going to face in the future and I think that a solution other than just burying garbage has got to be found."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, on page 3, sub (5) indicates that 'Loans shall be made for a term not to exceed ten years and shall bear interest at rates determined by the Department in consultation with the State Treasurer.' Is there some other section of the law that indicates that you can loan money for less than the going rate that we're paying for bonds? It's a very unusual provision to give the Department of Ecology. I don't know if we give that to any other state department that they can loan money at a rate that they determine."

Senator Kreidler: "Senator Rasmussen, the answer to that is simply one that the Department is going to have several options as the different points here would indicate. One of the options is that some of the money will be loaned and obviously as interest rates somewhat differ, they are going to be able to assign different rates of interest."

Senator Rasmussen: "That's very unusual that you are going to loan to one poor city at a different rate than some other poor city. However, I can see that it is not very clear in the bill. The other thing in Section 9, 'as soon as practicable,' after we've jumped in the river, or it didn't say that it says, 'after the effective date of this act, the Director of Financial Management shall establish and chair a study group.' My concern would be, usually you have that study group before you jump in over your head."

Senator Kreidler: "Section 9 speaks to the fact that we may wind up with some dedicated source as opposed to what this bill would do as to giving direction to future legislatures as to what they should do in order to avoid dependence on bonds and establishing a pay as you go. This section would say perhaps the legislature would like to have a dedicated source for that revenue to be generated rather than taking it from the general fund and some recommendations are going

to come back to us--back to the legislature for their future consideration. It would be an alternative."

Further debate ensued.

#### POINT OF INQUIRY

Senator Barr: "Senator Lee, I can't but say that I'm kind of disappointed in the language of this bill compared to some that had been around and everyone was looking at before this morning, or this afternoon really. I probably don't need to repeat it about my concern about the No. 1 present, proven water quality problem in the state of Washington and that's these fresh water lakes where people who are living around them with septic tanks. Where is that in this bill and how will that be met in this bill with money, as well as the non-point? Now, some drafts as we had here in front of us and were looking at had money designated for pollution control facilities for fresh water lakes and non-point works which we know is a big problem in Puget Sound and all over the state. Is there some language in here so that money will be designated for the people around these lakes and for conservation districts to work on this non-point pollution thing with dairy wastes in Puget Sound and other places?"

Senator Lee: "Yes, Senator Barr, it's in two places, on page 2 where we described water pollution control activity. That's one of the measures that any grant or loan will have to meet and there is a specific reference to restoring the water quality of fresh water lakes on that particular page. Then, in addition to that, since that's clearly an activity for which these monies can be done, on page 3, at the bottom, sub (4) where a percentage is set aside for water pollution control facilities and activities that remove pollutants from or prevent the pollution of fresh water lakes and rivers and then we go on to mention 'including but not limited to Lake Chelan and the Yakima and Columbia River' and that is targeting and a clear message from this legislature that we do want the problem to be addressed and that we want a certain amount of money set aside just for those purposes."

Senator Barr: "Senator Lee, would you interpret this to include and mean that pollution control facilities on those lakes?" (No time left for Senator Lee's reply--three minute rule)

#### POINT OF INQUIRY

Senator Hayner: "Senator Bottiger, in Section 3, subsection (2), it states that 'The Department shall insure that grants of funds would not constitute more than fifty percent of the total eligible cost,' then it says that 'grants, loans and federal funds shall not constitute more than seventy-five percent.' Now, I think where the confusion comes in as far as Senator Guess is concerned is in the next section, which says, 'The Department shall insure that grants or loans made to a public body for water pollution control activities do not constitute more than fifty percent of the total cost of such activity.' In other words, even though you may not get more than fifty percent of a grant from the state, suppose the state decides that you are not entitled to a grant, but you can have a loan? In this language, it seems to me, that it is saying that under those circumstances the local community might be forced to pay for the entire costs."

Senator Bottiger: "Senator Hayner, if that were the recommendation in the capitol budget subject to appropriation, you would have my assurance that I would oppose it. I understand the intent of subsection (3) is for planning money and in those cases where a city that would not be eligible for any other grant money could come down and ask for a loan. I don't perceive the evil there that some people do and it's not my intent."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Third Substitute Senate Bill No. 3827.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Third Substitute Senate Bill No. 3827, and the bill passed the Senate by the following vote:

Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon,

Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bauer, Benitz, Craswell, Guess, Johnson, McCaslin, Newhouse, Patterson, Pullen, Rasmussen, Saling, Stratton - 12.

Excused: Senator Sellar - 1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Vognild moved that all gubernatorial appointments as Trustees for Community College Districts on the calendar be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The President declared the question before the Senate to be the roll call on all the gubernatorial appointments as Trustees for Community College Districts on the calendar.

The motion by Senator Vognild carried and the following gubernatorial appointments were confirmed:

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Vognild, the appointment of W. Keith Herrell as a member of the Board of Trustees for Grays Harbor Community College District No. 2 was confirmed.

#### APPOINTMENT OF W. KEITH HERRELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

#### MOTION

On motion of Senator Vognild, the appointment of Frank H. Larner as a member of the Board of Trustees for Grays Harbor Community College District No. 2 was confirmed.

#### APPOINTMENT OF FRANK H. LARNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

#### MOTION

On motion of Senator Vognild, the appointment of Carolyn Powers as a member of the Board of Trustees for Olympic Community College District No. 3 was confirmed.

#### APPOINTMENT OF CAROLYN POWERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of W. Kelly Moldstad as a member of the Board of Trustees for Skagit Community College District No. 4 was confirmed.

## APPOINTMENT OF W. KELLY MOLDSTAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Janet Finn as a member of the Board of Trustees for Skagit Community College District No. 4 was confirmed.

## APPOINTMENT OF JANET FINN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Jean M. Cooley as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

## APPOINTMENT OF JEAN M. COOLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Phillip L. Burton as a member of the Board of Trustees for Seattle Community College District No. 6 was confirmed.

## APPOINTMENT OF PHILLIP L. BURTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of James E. Massart as a member of the Board of Trustees for Shoreline Community College District No. 7 was confirmed.

## APPOINTMENT OF JAMES E. MASSART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Cherry McGee Banks as a member of the Board of Trustees for Shoreline Community College District No. 7 was confirmed.

## APPOINTMENT OF CHERRY MCGEE BANKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Carol B. James as a member of the Board of Trustees for Bellevue Community College District No. 8 was confirmed.

## APPOINTMENT OF CAROL B. JAMES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Elizabeth N. Metz as a member of the Board of Trustees for Highline Community College District No. 9 was confirmed.

## APPOINTMENT OF ELIZABETH N. METZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Marilu M. Brock as a member of the Board of Trustees for Highline Community College District No. 9 was confirmed.

## APPOINTMENT OF MARILU M. BROCK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

#### MOTION

On motion of Senator Vognild, the appointment of Jack A. Hawkins as a member of the Board of Trustees for Green River Community College District No. 10 was confirmed.

#### APPOINTMENT OF JACK A. HAWKINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

#### MOTION

On motion of Senator Vognild, the appointment of Betty L. Edmondson as a member of the Board of Trustees for Yakima Community College District No. 16 was confirmed.

#### APPOINTMENT OF BETTY L. EDMONDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

#### MOTION

On motion of Senator Vognild, the appointment of Joan Harris as a member of the Board of Trustees for Yakima Community College District No. 16 was confirmed.

#### APPOINTMENT OF JOAN HARRIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

#### MOTION

On motion of Senator Vognild, the appointment of Dee McMillan as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

#### APPOINTMENT OF DEE McMILLAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Paul Hirai as a member of the Board of Trustees for Big Bend Community College District No. 18 was confirmed.

## APPOINTMENT OF PAUL HIRAI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of W. David Shaw as a member of the Board of Trustees for Columbia Basin Community College District No. 19 was confirmed.

## APPOINTMENT OF W. DAVID SHAW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of Jean H. Adams as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

## APPOINTMENT OF JEAN H. ADAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of L. C. Mike Floyd as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

## APPOINTMENT OF L. C. MIKE FLOYD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

## MOTION

On motion of Senator Vognild, the appointment of William A. Grant as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

## APPOINTMENT OF WILLIAM A. GRANT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

## MOTION

On motion of Senator Vognilid, the appointment of Patricia G. Hite as a member of the Board of Trustees for Whatcom Community College District No. 21 was confirmed.

## APPOINTMENT OF PATRICIA G. HITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

## MOTION

On motion of Senator Vognilid, the appointment of R. Henry Siedel as a member of the Board of Trustees for Bellevue Community College District No. 8 was confirmed.

## APPOINTMENT OF R. HENRY SEIDEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

## MOTION

On motion of Senator Vognilid, the appointment of Charles Michener as a member of the Board of Trustees for Columbia Basin Community College District No. 19 was confirmed.

## APPOINTMENT OF CHARLES MICHENER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lee moved that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 3679 failed to pass the Senate April 22, 1985.

The President declared the question before the Senate to be the motion by Senator Lee to reconsider the vote by which Engrossed Substitute Senate Bill No. 3679 failed to pass the Senate.

The motion by Senator Lee carried and the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3679 on third reading and final passage, on reconsideration.

## MOTIONS

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 3679, on reconsideration, was deferred.

On motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:27 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House regarding Senate Bill 3120, deferred earlier today.

## MOTIONS

On motion of Senator Vognild, the Senate refuses to concur in the House amendments to Senate Bill No. 3120 and asks the House to recede therefrom.

On motion of Senator Vognild, Senate Bill No. 3120 was ordered immediately transmitted to the House.

## MESSAGES FROM THE HOUSE

April 25, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 23,  
 SUBSTITUTE HOUSE BILL NO. 36,  
 SUBSTITUTE HOUSE BILL NO. 39,  
 HOUSE BILL NO. 58,  
 SUBSTITTUTE HOUSE BILL NO. 61,  
 SUBSTITUTE HOUSE BILL NO. 62,  
 SUBSTITUTE HOUSE BILL NO. 68,  
 SUBSTITUTE HOUSE BILL NO. 178,  
 SUBSTITTUTE HOUSE BILL NO. 199,  
 SUBSTITUTE HOUSE BILL NO. 203,  
 SUBSTITTUTE HOUSE BILL NO. 214,  
 SUBSTITUTE HOUSE BILL NO. 262,  
 SUBSTITTUTE HOUSE BILL NO. 270,  
 SUBSTITUTE HOUSE BILL NO. 297,  
 SUBSTITTUTE HOUSE BILL NO. 323,  
 SUBSTITUTE HOUSE BILL NO. 543,  
 SUBSTITTUTE HOUSE BILL NO. 606,  
 HOUSE BILL NO. 629,  
 SUBSTITTUTE HOUSE BILL NO. 781,  
 SUBSTITUTE HOUSE BILL NO. 932,  
 SUBSTITTUTE HOUSE BILL NO. 957,  
 SECOND SUBSTITUTE HOUSE BILL NO. 975,  
 SUBSTITUTE HOUSE BILL NO. 1046,  
 SUBSTITUTE HOUSE BILL NO. 1061,  
 SUBSTITUTE HOUSE BILL NO. 1170, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 25, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 91,  
 HOUSE BILL NO. 139,  
 SUBSTITUTE HOUSE BILL NO. 150,  
 SUBSTITUTE HOUSE BILL NO. 179,  
 SUBSTITUTE HOUSE BILL NO. 187,  
 HOUSE BILL NO. 228,  
 SUBSTITUTE HOUSE BILL NO. 254,  
 SUBSTITUTE HOUSE BILL NO. 435.

SUBSTITUTE HOUSE BILL NO. 466,  
 SUBSTITUTE HOUSE BILL NO. 550,  
 SUBSTITUTE HOUSE BILL NO. 622,  
 HOUSE BILL NO. 808,  
 SUBSTITUTE HOUSE BILL NO. 815,  
 SUBSTITUTE HOUSE BILL NO. 846,  
 SUBSTITUTE HOUSE BILL NO. 865,  
 SUBSTITUTE HOUSE BILL NO. 877,  
 SUBSTITUTE HOUSE BILL NO. 891,  
 SUBSTITUTE HOUSE BILL NO. 974,  
 HOUSE BILL NO. 999,  
 SUBSTITUTE HOUSE BILL NO. 1003,  
 SUBSTITUTE HOUSE BILL NO. 1060,  
 SUBSTITUTE HOUSE BILL NO. 1084,  
 SUBSTITUTE HOUSE BILL NO. 1116,  
 SUBSTITUTE HOUSE BILL NO. 1207,  
 SUBSTITUTE HOUSE BILL NO. 1269, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 3684 and passed the bill without the House amendment, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 141 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 546 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 799 and passed the bill as amended by the Senate on page 1, line 20, and page 2, line 12.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 91,  
 HOUSE BILL NO. 139,  
 SUBSTITUTE HOUSE BILL NO. 150,  
 SUBSTITUTE HOUSE BILL NO. 179,  
 SUBSTITUTE HOUSE BILL NO. 187,  
 HOUSE BILL NO. 228,  
 SUBSTITUTE HOUSE BILL NO. 254,  
 SUBSTITUTE HOUSE BILL NO. 435,  
 SUBSTITUTE HOUSE BILL NO. 466,  
 SUBSTITUTE HOUSE BILL NO. 550,  
 SUBSTITUTE HOUSE BILL NO. 622.

HOUSE BILL NO. 808.  
 SUBSTITUTE HOUSE BILL NO. 815.  
 SUBSTITUTE HOUSE BILL NO. 846.  
 SUBSTITUTE HOUSE BILL NO. 865.  
 SUBSTITUTE HOUSE BILL NO. 877.  
 SUBSTITUTE HOUSE BILL NO. 891.  
 SUBSTITUTE HOUSE BILL NO. 974.  
 HOUSE BILL NO. 999.  
 SUBSTITUTE HOUSE BILL NO. 1003.  
 SUBSTITUTE HOUSE BILL NO. 1060.  
 SUBSTITUTE HOUSE BILL NO. 1084.  
 SUBSTITUTE HOUSE BILL NO. 1116.  
 SUBSTITUTE HOUSE BILL NO. 1207.  
 SUBSTITUTE HOUSE BILL NO. 1269.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 23.  
 SUBSTITUTE HOUSE BILL NO. 36.  
 SUBSTITUTE HOUSE BILL NO. 39.  
 HOUSE BILL NO. 58.  
 SUBSTITUTE HOUSE BILL NO. 61.  
 SUBSTITUTE HOUSE BILL NO. 62.  
 SUBSTITUTE HOUSE BILL NO. 68.  
 SUBSTITUTE HOUSE BILL NO. 178.  
 SUBSTITUTE HOUSE BILL NO. 199.  
 SUBSTITUTE HOUSE BILL NO. 203.  
 SUBSTITUTE HOUSE BILL NO. 214.  
 SUBSTITUTE HOUSE BILL NO. 262.  
 SUBSTITUTE HOUSE BILL NO. 270.  
 SUBSTITUTE HOUSE BILL NO. 297.  
 SUBSTITUTE HOUSE BILL NO. 323.  
 SUBSTITUTE HOUSE BILL NO. 543.  
 SUBSTITUTE HOUSE BILL NO. 606.  
 HOUSE BILL NO. 629.  
 SUBSTITUTE HOUSE BILL NO. 781.  
 SUBSTITUTE HOUSE BILL NO. 932.  
 SUBSTITUTE HOUSE BILL NO. 957.  
 SECOND SUBSTITUTE HOUSE BILL NO. 975.  
 SUBSTITUTE HOUSE BILL NO. 1046.  
 SUBSTITUTE HOUSE BILL NO. 1061.  
 SUBSTITUTE HOUSE BILL NO. 1170.

## MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1077 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 1077 was returned to second reading and read the second time.

## PARLIAMENTARY INQUIRY

Senator McDonald: "A point of parliamentary inquiry. What position is House Bill No. 1077 in presently?"

## REPLY BY THE PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "Engrossed Substitute House Bill No. 1077 is now on second reading."

## POINT OF INQUIRY

Senator McDonald: "Would Senator Vognild yield to a question? What is your intention to do with Engrossed Substitute House Bill No. 1077?"

Senator Vognild: "I will make a motion to defer further action and hold it on second reading."

Senator McDonald: "Very good. Thank you."

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1077 was deferred.

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

## REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 190, as amended by the Senate, revising provisions relating to escrow agents, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 153, Laws of 1965 as last amended by section 7, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.080 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, ~~((an)) annual ((fee of one hundred dollars)) fees~~ for the first office or location and ~~((twenty-five dollars))~~ for each additional office or location.

(2) For filing an application for a change of address, ~~((ten dollars))~~ for each certificate of registration and for each escrow officer license being so changed.

(3) For filing an application for a duplicate of a certificate of registration or of an escrow officer license lost, stolen, destroyed, or for replacement ~~((ten dollars))~~.

(4) For providing administrative support to the escrow commission.

All fees under this chapter shall be set by the director in accordance with RCW 43.24.086.

All fees received by the director under this chapter shall be paid by him into the state treasury to the credit of the general fund.

Sec. 2. Section 11, chapter 153, Laws of 1965 and RCW 18.44.110 are each amended to read as follows:

Each escrow agent's certificate shall expire at noon on the thirty-first day of December of any calendar year ~~((if it is not renewed on or before the twentieth day of December of such year))~~. Registration may be renewed by filing an application and paying the annual registration fee for the next succeeding calendar year.

Sec. 3. Section 36, chapter 287, Laws of 1984 and RCW 18.44.208 are each amended to read as follows:

There is established an escrow commission of the state of Washington, to consist of the director of licensing as ~~((ex officio member and))~~ chairman, and five members who shall act as advisors to the director as to the needs of the escrow profession ~~((and who)), including but not limited to the design and conduct of tests to be administered to applicants for escrow licenses, the schedule of license fees to be applied to the escrow licensees, educational programs, audits and investigations of the escrow profession designed to protect the consumer, and such other matters determined appropriate. Such members shall be appointed by the governor, each of whom shall have been a resident of this state for at least five years and shall have at least five years experience in the practice of escrow as an escrow agent or as a person in responsible charge of escrow transactions.~~

The members of the first commission shall serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the commission shall receive a certificate of appointment from the governor and before beginning the member's term of office shall file

with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until the member's successor has been appointed and qualified.

The governor may remove any member of the commission for cause. Vacancies in the commission for any reason shall be filled by appointment for the unexpired term.

Members shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. Section 9, chapter 245, Laws of 1971 ex. sess. as amended by section 13, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.220 are each amended to read as follows:

Any person desiring to be an escrow officer must successfully pass an examination. The person shall make application for an escrow officer examination on a form provided by the director and pay an examination fee (~~of twenty-five dollars~~). The applicant shall satisfy the director that the applicant is at least eighteen years old and is a resident of the state of Washington.

Sec. 5. Section 23, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.300 are each amended to read as follows:

Any person desiring to be an escrow officer must include with the application a license fee (~~of fifty dollars~~). Every escrow officer license issued under the provisions of this chapter expires on the date one year from the date of issue which date will henceforth be the renewal date. An annual license renewal fee in the same amount must be paid on or before each renewal date: PROVIDED, That licenses issued or renewed prior to September 21, 1977 shall use the existing renewal date as the date of issue. If the application for a renewal license is not received by the director on or before the renewal date such license is expired. The license may be reinstated at any time prior to the next succeeding renewal date following its expiration upon the payment to the director of the annual renewal fee then in default. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency. Licenses not renewed within one year of the renewal date then in default shall be canceled. A new license may be obtained by satisfying the procedures and qualifications for initial licensing, including where applicable successful completion of examinations.

Sec. 6. Section 24, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.310 are each amended to read as follows:

The license of an escrow officer shall be retained and displayed at all times by the certificated escrow agent, and when the officer ceases to represent the agent, the license shall cease to be in force. Notice of such termination shall be given by the next regular business day by the escrow agent to the director and such notice shall be accompanied by and include the surrender of the escrow officer's license. Failure to notify the director of such termination after demand by the affected escrow officer shall work a forfeiture of the escrow agent's certificate of registration.

The director may hold the escrow officer's license inactive for a period not exceeding three consecutive years upon application of the escrow officer: PROVIDED, That the escrow officer shall pay the annual renewal fee. Such license may be activated upon application of a certificated escrow agent on a form provided by the director, endorsement by an escrow officer, and the payment of a (~~ten dollar~~) fee. The director shall thereupon issue a new license for the unexpired term if such escrow officer is otherwise entitled thereto. An escrow officer's first license shall not be issued inactive."

On page 1, line 1 of the title, after "agents;" strike the remainder of the title and insert "and amending RCW 18.44.080, 18.44.110, 18.44.208, 18.44.220, 18.44.300, and 18.44.310."

Signed by Senators Moore, Cantu and Bender; Representatives Wang, Cole and Patrick.

#### MOTION

On motion of Senator Warnke the Report of the Conference Committee on Substitute House Bill No. 190 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President;

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 723 and requests a conference thereon. The Speaker has appointed the

following conferees: Representatives Armstrong, D. Nelson and Isaacson, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Bottiger, the Senate insists on its position on the amendments to Engrossed House Bill No. 723 and refuses to grant the request of the House for a conference thereon, and once again asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 327 and has granted the powers of Free Conference.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 327, as amended by the Senate, restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass:

(See Report of Conference Committee on Engrossed House Bill No. 327, read in on April 24, 1985)

Signed by Senators Peterson, Bluechel and Vognild; Representatives Walk, Baugher and Prince.

#### MOTION

On motion of Senator Peterson the Report of the Free Conference Committee on Engrossed House Bill No. 327 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 327, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 327, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 45.

Absent: Senators Benitz, Rinehart, Williams, Zimmerman - 4.

ENGROSSED HOUSE BILL NO. 327, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, Engrossed Third Substitute Senate Bill No. 3827, which passed the Senate earlier today, was ordered immediately transmitted to the House.

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627, as amended by the Senate, establishing the

Washington state economic development board, have had the same under consideration and we recommend that the Senate amendment be adopted and that the bill do pass as amended.

Signed by Senators Warnke, Pullen and Vognild; Representatives McMullen, Tanner and Thomas.

#### MOTION

On motion of Senator Warnke the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 627 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 627, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 627, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 42.

Voting nay: Senators Barr, Cantu, Craswell, McCaslin - 4.

Absent: Senators Rinehart, Williams, Zimmerman - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

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

On motion of Senator Bender, Senators McManus and Rinehart were excused.

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 843, modifying provisions relating to livestock, have had the same under consideration and we recommend that the bill be amended as follows: That the Senate amendments be adopted on page 1, line 4; page 8, line 24; and page 3, line 24; and the amendments on page 8, line 27, be adopted except for sections 19, 21, 26, 27, 28 and 32; and title amendments necessary pertaining to the adopted portion of the amendments to page 8 be adopted, and the bill do pass as amended.

Signed by Senators Hansen, Barr and Goltz; Representatives Brislw, Madsen and Nealey.

#### MOTION

On motion of Senator Hansen, the Report of the Conference Committee on Substitute House Bill No. 843 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 843, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 843, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

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

Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 4.

Absent: Senators Lee, Williams - 2.

Excused: Senators McManus, Rinehart, Zimmerman - 3.

SUBSTITUTE HOUSE BILL NO. 843, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 848, requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, work release placement, furlough, or escape, if such notice has been requested in writing about a specific inmate convicted of a violent offense, to all of the following:

(a) The chief of police of the city, if any, in which the inmate will reside, if known, or in which placement will be made in a work release program;

(b) The sheriff of the county in which the inmate will reside, if known, or in which placement will be made in a work release program;

(c) The victim, if any, of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(d) Any witnesses who testified against the inmate in any court proceedings involving the violent offense; and

(e) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a violent offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim, if any, of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(4) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

(5) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

NEW SECTION, Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The department of corrections shall provide the victims and next of kin in the case of a homicide and witnesses involved in violent offense cases where a judgment and sentence was entered after October 1, 1983, a statement of the rights of victims and witnesses to request and receive notification under sections 1 and 3 of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

Requests for notification under section 1 of this act shall be made by sending a written request by certified mail directly to the department of corrections and giving the defendant's name, the name of the county in which the trial took place, and the month of the trial. Notification information and necessary forms shall be available through the department of corrections, county prosecutors' offices, and other agencies as deemed appropriate by the department of corrections.

NEW SECTION, Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

The notification requirements of section 1 of this act are in addition to any requirements in RCW 43.43.745 or other law.

Sec. 5. Section 3, chapter 137, Laws of 1981 as last amended by section 3, chapter 209, Laws of 1984 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

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

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(12) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(13) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(14) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(15) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(16) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(17) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

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

(19) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second

degree, assault in the second degree, extortion in the first degree, robbery in the second degree, and vehicular homicide;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((f))~~ (19)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((f))~~ (19)(a) or (b) of this section.

Sec. 6. Section 10, chapter 152, Laws of 1972 ex. sess. as amended by section 1, chapter 20, Laws of 1973 and RCW 43.43.745 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of ~~((social and health services))~~ corrections shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of ~~((social and health services))~~ corrections shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state.

NEW SECTION. Sec. 7. A new section is added to chapter 9.94A RCW to read as follows:

Civil liability shall not result from failure to provide notice required under sections 1 through 6 of this act unless the failure is the result of gross negligence."

Signed by Senators Talmadge, Newhouse and Halsan; Representatives K. Wilson, G. Nelson and Locke.

#### MOTION

On motion of Senator Talmadge the Report of the Conference Committee on Substitute House Bill No. 848 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 832, as amended by the Senate, authorizing the acceptance of gifts by the world fair commission, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following: That the Senate amendment be adopted with the following amendment on line 12, after "grants," strike "loans," and on line 24 after the period insert "As used in this section, gifts, grants and endowments may be temporary or permanent."

Signed by Senators Williams, Cantu and Wojahn; Representatives Kremen, Schoon, and McMullen.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 832 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3207 and has granted the powers of Free Conference, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3207, providing for prison work programs, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the establishment of prison work programs that allow prisoners to undertake food fish, shellfish, and game fish rearing projects and game bird and game animal improvement, restoration, and protection projects is needed to reduce idleness, promote the growth of prison industries, and provide prisoners with skills necessary for their successful reentry into society.

NEW SECTION. Sec. 2. The departments of corrections, fisheries, and game shall establish at or near appropriate state institutions, as defined in RCW 72.65.010, prison work programs that use prisoners to undertake state food fish, shellfish, and game fish rearing projects and state game bird and game animal improvement, restoration, and protection projects and that meet the requirements of RCW 72.09.100.

The department of corrections shall seek to identify a group of prisoners at each appropriate state institution, as defined by RCW 72.65.010, that are interested in participating in prison work programs established by this chapter.

If the department of corrections is unable to identify a group of prisoners to participate in work programs authorized by this chapter, it may enter into an agreement with the departments of fisheries or game for the purpose of designing projects for any institution. Costs under this section shall be borne by the department of corrections.

The departments of corrections, fisheries, and game shall use prisoners, where appropriate, to perform work in state projects that may include the following types:

(1) Food fish, shellfish, and game fish rearing projects, including but not limited to egg planting, egg boxes, juvenile planting, pen rearing, pond rearing, raceway rearing, and egg taking;

(2) Game bird and game animal projects, including but not limited to habitat improvement and restoration, replanting and transplanting, nest box installation, pen rearing, game protection, and supplemental feeding; PROVIDED, That no project shall be established at the department of game's south Tacoma game farm;

(3) Manufacturing of equipment for use in fish and game volunteer cooperative projects permitted by the department of fisheries or the department of game, or for use in prison work programs with fish and game; and

(4) Maintenance, repair, restoration, and redevelopment of facilities operated by the departments of game and fisheries.

NEW SECTION, Sec. 3. (1) The departments of fisheries and game, as appropriate, shall provide professional assistance from biologists, fish culturists, pathologists, engineers, habitat managers, and other departmental staff to assist the development and productivity of prison work programs under section 2 of this act, upon agreement with the department of corrections.

(2) The departments of fisheries and game shall identify and describe potential and pilot projects that are compatible with the goals of the various departments involved and that are particularly suitable for prison work programs.

(3) The departments of fisheries or game, or both, as appropriate, may make available surplus hatchery rearing space, net pens, egg boxes, portable rearing containers, incubators, and any other departmental facilities or property that are available for loan to the department of corrections to carry out prison work programs under section 2 of this act.

(4) The departments of fisheries or game, or both, as appropriate, shall provide live fish eggs, bird eggs, juvenile fish, game animals, or other appropriate seed stock, juveniles, or brood stock of acceptable disease history and genetic composition for the prison work projects at no cost to the department of corrections, to the extent that such resources are available. Fish food, bird food, or animal food may be provided by the departments of fisheries and game to the extent that funding is available.

(5) The department of natural resources shall assist in the implementation of the program where project sites are located on public beaches or state owned aquatic lands.

NEW SECTION, Sec. 4. The costs of implementation of the projects prescribed by this chapter shall be supported to the extent that funds are available under the provisions of chapter 75.52 RCW, and from institutional industries funds.

NEW SECTION, Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 72 RCW.\*

Signed by Senators Granlund, Johnson and Bottiger; Representatives Brekke, Day and Walker.

#### MOTION

On motion of Senator Granlund, the Report of the Conference Committee on Substitute Senate Bill No. 3207 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 3812 and has granted the powers of Free Conference, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3812, modifying penalty provisions on the violation of water pollution control statutes, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. By January 1, 1986, the department of ecology shall report to the legislature all enforcement actions initiated from 1983 through November, 1985 regarding the protection of Puget Sound water quality. The report shall include the number and type of complaints received, the number of inspections conducted, the number of violations cited, the number of variances granted, the amount of penalties collected, the number of times maximum fines were collected, the number of penalties that were rescinded, and the number of criminal actions that were taken. The department of ecology shall also hold public hearings in December, 1985 in accordance with the administrative procedure act, chapter 34.04 RCW, regarding the adequacy of current enforcement activities. A report summarizing the testimony presented shall also be prepared for the legislature by February 15, 1986.

Sec. 2. Section 14, chapter 139, Laws of 1967 ex. sess. as last amended by section 9, chapter 155, Laws of 1973 and RCW 90.48.144 are each amended to read as follows:

Every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or this amendatory act, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or this amendatory act, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or regulations or orders adopted or issued pursuant thereto, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ((five)) ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. 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 amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the director of the department or his authorized delegate describing such violation with reasonable particularity. The director or his authorized delegate may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. The director shall remit or mitigate penalties only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty. Any person incurring any penalty hereunder may appeal the same to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or his authorized delegate setting forth the disposition of the application. Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 3, Section 18, chapter 216, Laws of 1945 as last amended by section 2, chapter 155, Laws of 1973 and RCW 90.48.120 are each amended to read as follows:

(1) Whenever, in the opinion of the department, any person shall violate or ~~((is about))~~ creates a substantial potential to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail. Such determination shall not constitute an order or directive under RCW 90.48.135. Within thirty days from the receipt of notice of such determination, such person shall file with the department a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the department. Whereupon the department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

(2) Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed.

Sec. 4, Section 5, chapter 133, Laws of 1969 ex. sess. as amended by section 10, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.340 are each amended to read as follows:

The director shall investigate each activity or project conducted under RCW 90.48.330 to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the director, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335, the director shall notify said person or persons by appropriate order: PROVIDED, That no order may be issued pertaining to a project or activity

which was completed more than five years prior to the date of the proposed issuance of the order. Said order shall state the findings of the director, the amount of necessary expenses incurred by the commission in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The commission may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the commission may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the director notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the commission subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the director, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business to recover the amount specified in the final order of the director or the commission, as appropriate. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if he can prove that the oil to which the necessary expenses relate entered the waters of the state by causes set forth in RCW 90.48.320(3). ~~((For purposes of this section "necessary expenses" shall not include expenses relating to investigation or the performance of surveillance.))~~

Sec. 5. Section 10, chapter 133, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through 90.48.365 and RCW 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 the following definitions shall apply unless the context indicates otherwise:

(1) "Board" shall mean the pollution control hearings board.

(2) "Department" shall mean the department of ecology.

(3) "Director" shall mean the director of the department of ecology.

(4) "Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(5) "Fund" shall mean the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(6) "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.

(7) "Necessary expenses" means the expenses incurred by the department 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.

(8) "Oil" or "oils" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, or any other petroleum related product.

~~((8))~~ (9) "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.

~~((9))~~ (10) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

~~((10))~~ (11) "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.

Sec. 6. Section 13, chapter 139, Laws of 1967 ex. sess. as amended by section 12, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.142 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or fails to perform any duty imposed by this chapter, or violates an order or other determination of the commission or the director made pursuant to the provisions of this chapter, including the conditions of a waste discharge permit issued pursuant to RCW 90.48.160, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state, or otherwise causes a reduction in the quality of the state's waters below the standards set by the commission or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same, shall be liable to pay the state damages in an amount equal to the sum of money necessary to restock such waters, replenish such resources, and otherwise restore the stream, lake or other water source to its condition prior to the injury, as such condition is determined by the commission. Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of the county in which such damages occurred: PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to either the state game fund or the department of fisheries to use for food fish or shellfish management purposes and

propagation, or to any other agency of the state having jurisdiction over the resource damaged and for which said moneys were recovered, as appropriate: PROVIDED, That the agency receiving such money shall utilize not less than one-half of said money on activities or projects within the county where the action was brought by the attorney general. No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

Sec. 7, Section 7, chapter 133, Laws of 1969 ex. sess. as amended by section 9, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.350 are each amended to read as follows:

Any person who intentionally or 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 of a continuing violation; said amount to be determined by the director of the commission 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, 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 become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best interest of the state in carrying out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have the authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after the receipt of notice imposing the same, or if an application for remission or mitigation has been made within fifteen days as herein provided and the amount provided in the order issued by the director subsequent to such application is not paid within fifteen days after the receipt thereof, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or any other county in which such violator may do business, to recover the amount specified in the final order of the director. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135."

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.48.144, 90.48.120, 90.48.340, 90.48.315, 90.48.142, and 90.48.350; and creating a new section."

Signed by Senators Kreidler, Bluechel and Talmadge; Representatives Hine, Rust and G. Nelson.

#### MOTION

On motion of Senator Kreidler, the Report of the Conference Committee on Senate Bill No. 3812 was adopted and the committee was granted the powers of Free Conference.

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

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1056, by Committee on Ways and Means (originally sponsored by Representatives Peery, Ebersole, Appelwick, Wang, Todd, Jacobsen, G. Nelson, Holland, J. Williams, Allen and May)

Establishing school-based management pilot projects.

The bill was read the second time.

#### MOTIONS

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.58 RCW to read as follows:

(1) The legislature believes that teachers, principals and other school administrators, parents, students, school district personnel, school board members, and members of the community, utilizing the results of continuing research on effective education, can best identify the

educational goals, needs, and conditions of the community and develop and implement a basic education program that will provide excellence.

(2) To meet the goals set forth in this section, it is the intent and purpose of the legislature to encourage improvement of Washington's public school system by returning more control over the operation of local education programs to local districts through a program of pilot projects in school-based management.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

To carry out the school-based management pilot projects of section 3 of this act, the superintendent of public instruction shall:

(1) Grant funds to local school districts that apply for funding on a grant proposal or other basis, to establish pilot projects in school-based management: PROVIDED, That in at least one project every building in a district shall use school-based management;

(2) Develop guidelines, in consultation with school districts, for school-based management programs;

(3) Assist districts and schools, upon request, to design, implement, or evaluate school improvement programs authorized by section 3 of this act;

(4) Submit a report to the legislature not later than two and one-half years after the effective date of this act, on the results of the pilot projects, any other similar programs being used in local districts, and any recommendations;

(5) These school-based management pilot projects are not part of the program of basic education which the state must fund under Article IX of the state Constitution.

**NEW SECTION.** Sec. 3. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Each pilot project school that participates in the school-based management program authorized by section 2 of this act shall be required to establish a school site council. The council shall be minimally composed of the school principal, teachers, other school personnel, parents of pupils attending the school, nonparent community members from the school's service area, and, in secondary schools, pupils. Existing school-wide advisory groups or school support groups may be used as the school site council if such groups conform to the general membership requirements of this section.

(2) The exact size of the council and the term and method of selection and replacement of council members shall be specified in the school improvement plan developed pursuant to subsection (3) of this section.

(3) Each school site council shall be required to develop an annual school improvement plan containing improvement objectives as established by the council under guidelines developed by the superintendent of public instruction.

(4) The board of directors of each school district in which a school is participating in the school-based management program authorized by section 2 of this act shall review and approve or disapprove planning applications and school improvement plans consistent with, but not limited to, rules and regulations adopted by the superintendent of public instruction. No school improvement plan may be approved unless it was developed and recommended by a school site council. The board of directors shall notify the school site council in writing of specific reasons for not approving the school improvement plan. Modifications to the plan shall be developed and recommended by the council and approved or disapproved by the board of directors.

**NEW SECTION.** Sec. 4. This act shall expire two years after the effective date of this act.

**NEW SECTION.** Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect."

On motion of Senator Gaspard, the following title amendment was adopted:  
On page 1, line 2 of the title, after "28A.58 RCW," insert "creating a new section;"

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Second Substitute House Bill No. 1056, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1056, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1056, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Barr, Craswell, Hayner, Johnson, McCaslin, Metcalf, Newhouse - 7.

Absent: Senator Lee - 1.

Excused: Senators McManus, Rinehart, Zimmerman - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1056, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

INGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 849, by Committee on Ways and Means (originally sponsored by Representatives Wang, Schoon, Appelwick, Todd, Ebersole, Valle, Haugen, Peery, Rayburn, Long, Tanner, Zellinsky, Brough and Walker)

Providing for teacher evaluation.

The bill was read the second time.

## MOTION

Senator Gaspard moved adoption of the following Committee on Education amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

NEW SECTION, Sec. 2. A new section is added to chapter 28A.67 RCW to read as follows:

School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers to have training in evaluation procedures. The superintendent of public instruction shall provide technical assistance to the local school districts and to the educational service districts in providing training to evaluators.

NEW SECTION, Sec. 3. A new section is added to chapter 28A.67 RCW to read as follows:

No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

After an evaluation conducted pursuant to RCW 28A.67.065, the school district may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement.

Sec. 5. Section 22, chapter 34, Laws of 1969 ex. sess. as last amended by section 3, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.065 are each amended to read as follows:

(1) The superintendent of public instruction shall ~~((on or before January 1, 1977;))~~ establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. ~~((Such criteria shall be subject to review by November 1, 1976, by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.))~~

Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must

contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.58.450 or 28A.67.070, as now or hereafter amended.

The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.58.450, as now or hereafter amended.

(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her professional performance.

(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.67.070, as now or hereafter amended, or the discharge of such evaluator under RCW 28A.58.450, as now or hereafter amended.

(5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years and an employee or evaluator may request that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. The short form evaluation process may not be used as a basis for determining that an employee's work is unsatisfactory under subsection

(1) of this section nor as probable cause for the nonrenewal of an employee's contract under RCW 28A.67.070.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.67 RCW to read as follows:

(1) The superintendent of public instruction shall develop and test in local districts minimum standards based on available research to be used by local districts in evaluations conducted pursuant to RCW 28A.67.065. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district. The minimum standards for evaluation shall include: (a) A statement of the purpose of evaluations; (b) the frequency of evaluations, with recognition of the need for more frequent evaluations for beginning teachers; (c) the conduct of the evaluation; (d) the procedure to be used in making the evaluation; and (e) the use of the results of the evaluation.

In developing the minimum standards, the superintendent of public instruction shall consider a variety of proposals, such as proposals providing for peer review and evaluation, input by parents, input by students in appropriate circumstances, instructional assistance teams, and outside professional evaluation.

The superintendent of public instruction shall adopt the minimum standards not later than July 1, 1986. This subsection shall not preclude a local district from adopting local procedures or alternative programs which exceed the minimum standards.

(2) The superintendent of public instruction shall develop or purchase and test in local districts model evaluation programs, including standardized evaluation instruments, which meet the minimum standards established pursuant to subsection (1) of this section and the minimum criteria established pursuant to RCW 28A.67.065. Such programs shall include specific indicators of performance or detailed work expectations against which performance can be measured. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district. Not later than July 1, 1988, the superintendent of public instruction shall select from one to five model evaluation programs which may be used by local districts in conducting evaluations pursuant to RCW 28A.67.065. Local school districts shall establish an evaluation program by selecting one of the models approved by the superintendent of public instruction or by adopting an evaluation program pursuant to the bargaining process set forth in chapters 41.56 and 41.59 RCW. Local school districts may adopt an evaluation program which contains criteria and standards in excess of the minimum criteria and standards established by the superintendent of public instruction.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.67 RCW to read as follows:

The superintendent of public instruction shall provide technical assistance to local districts for implementation of the minimum standards and model evaluation programs selected under section 6 of this act.

NEW SECTION. Sec. 8. The superintendent of public instruction shall report to the legislature not later than January 1, 1986, on any additional legislation or other action necessary to implement this act.

NEW SECTION. Sec. 9. Section 3 of this act shall take effect September 1, 1986.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act for the fiscal year beginning July 1, 1985, sections 1 through 4 and 6 through 9 of this act shall be null and void.

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."

#### MOTION

Senator Gaspard moved the following amendments by Senators Gaspard, Bauer and Bender to the Committee on Education amendment be considered simultaneously and adopted:

On page 1, after line 21 of the amendment, insert "that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the state board of education. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds"

On page 2, after line 9 of the amendment, insert the following:

NEW SECTION. Sec. 2. The state board of education shall conduct a comprehensive study of teacher preparation issues, in cooperation with institutions of higher education offering teacher preparation programs, the council for postsecondary education or its successor agency, and other groups or organizations having an interest in teacher preparation issues.

and report its findings and recommendations to the legislature by January 1 in the year following the effective date of this act. The report shall include any proposed legislation and costs required to implement any recommendations and shall also include a list of any recommendations that can be implemented without legislative action. The study shall include but not be limited to:

(1) Development of a recommended plan for an undergraduate five-year teacher preparation program that provides for one full year of full time student teaching experience or equivalent supervised field experience and which includes alternatives for compensating students for the period they are engaged in student teaching;

(2) Examining explicit criteria for entrance into and exit from teacher preparation programs including, as precertification requirements, testing and assessments of competency in:

(a) Various subjects with an analysis of how many tests would be needed for current or revised endorsement areas and a determination of cost on use of state-developed tests or use of existing tests;

(b) Pedagogy, including the ability to encourage students to learn and relate to others in a mutually respectful manner; or

(c) Requiring the institutions of higher education offering teacher preparation programs to certify to the state board of education, under state board rules adopted pursuant to chapter 34.04 RCW, that graduates from the respective teacher preparation programs are qualified in their major field of academic study;

(3) A review of issues relating to endorsements on certificates including consideration of the feasibility of modifying the criteria and requirements for granting endorsements to recognize:

(a) Successful teaching experience in a field in which the teacher does not hold an endorsement, as evidenced by successful evaluations and other relevant factors as determined by the state board of education;

(b) Credit for work completed through an in-service training program approved under RCW 28A.71.210;

(c) Successful completion of courses offered through educational service districts, community colleges, private business, and other cooperative arrangements or through the innovative use of communications technologies;

(d) Successful completion of subject area tests as may be validated and approved by the state board of education; or

(e) Other factors as determined by the state board of education;

(4) A review of breadth and depth of subject matter and program requirements including a determination of what curriculum, inclusive of current generic competencies, is essential to prepare candidates for initial certification;

(5) An examination of ways to strengthen the role of program units;

(6) Developing means to better evaluate and assist student teachers including development of a model for team evaluation of student teachers and including training of persons responsible for supervising student teachers;

(7) Reviewing continuing education requirements for teachers and the relationship of requirements for continuing education to in-service training requirements and the salary schedule developed by the legislative evaluation and accountability program committee;

(8) Reviewing assignment policies for teachers;

(9) Reviewing policies for granting certificates to persons from out-of-state;

(10) Developing strategies to attract more students to teacher preparation programs and to generally promote awareness of and interest in teaching as a career alternative and to enhance the image of teaching;

(11) Looking at ways to assist higher education institutions offering teacher preparation programs to conduct follow-up studies of their graduates to assess the strengths and weaknesses of the respective teacher preparation programs; and

(12) An evaluation of recent, current, and anticipated activities by institutions offering teacher preparation programs and the state board of education to respectively improve individual programs and the state-wide system for teacher preparation."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, line 17 of the amendment, strike "1986," and insert "in the year following the effective date of this act"

On page 11, line 24 of the amendment, after "10," strike all the material down to and including "void," on line 31, and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, sections 1 through 5 and 7 through 10 of this act shall be null and void. This act shall be of no effect unless such specific funding is so provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect."

## POINT OF INQUIRY

Senator Pullen: "Now that we've taken all of the amendments as one, I'm not sure that you fully discussed the whole package. I'm also worried about amending a committee amendment so late in the session. I was wondering if you had reviewed these amendments with the ranking minority member for the Education Committee?"

Senator Gaspard: "Mr. President, I assume that's a question to me. Yes, the amendments have been on the desk now for well over a week and I did show the amendments to Senator Craswell. Senator Johnson also read them."

The President Pro Tempore declared the question before the Senate to be adoption of the four amendments by Senators Gaspard, Bauer and Bender to the Committee on Education amendment.

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

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

The motion by Senator Gaspard carried and the Committee on Education amendment, as amended, was adopted.

## MOTIONS

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

On motion of Senator Metcalf, Senator McCaslin was excused.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 849, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Saling: "Senator Gaspard, I may not have heard correctly when you were explaining these amendment to the committee amendment. Did you say that there were some minor changes in this amendment from a previous bill that the Senate passed? Is that correct?"

Senator Gaspard: "Are you referring to the floor amendments?"

Senator Saling: "Yes, I am."

Senator Gaspard: "Most of the changes in the floor amendments deal with the issue of endorsement in asking the State Board in their recommendations to also look at endorsements."

Senator Saling: "Was this a bill that passed the Senate and was not passed by the House?"

Senator Gaspard: "It was part of Senate Bill No. 3235, the section that we passed. The House took that portion out of Senate Bill No. 3235 and we're trying to deal with it here in this bill now."

Senator Saling: "So we're putting it back in a different bill--the section that was taken out in the House?"

Senator Gaspard: "Yes, that's correct."

Senator Saling: "And this previously has been passed by us?"

Senator Gaspard: "Yes, although not verbatim. The only change I think we made again is in the recommendations that we asked the State Board to deal with endorsements. We adopted some of the House language, for example."

Senator Saling: "Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 849, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 849, as amended by the Senate, and the bill passed by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Melcalif, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Taimadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Benitz, Goltz, Kiskaddon - 3.

Excused: Senators Granlund, McCaslin, McManus, Owen, Rinehart, Zimmerman - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 849, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 174, by Committee on Ways and Means (originally sponsored by Representatives Valle, Barrett, Winsley, P. King, Ebersole, Rayburn, Appelwick, Allen, Armstrong and Wang)

Establishing the beginning teachers assistance pilot program.

The bill was read the second time.

## MOTION

Senator Gaspard moved adoption of the following Committee on Education amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The superintendent of public instruction shall adopt rules to establish and operate a beginning teachers assistance pilot program to operate during the first year after this section takes effect for one hundred mentor teachers and during the second year after this section takes effect for one thousand mentor teachers. The results of the program shall be reported to the legislature not later than two and one-half years from the effective date of this section. The program shall provide for:

(1) Assistance by a mentor teacher who will provide a source of continuing and sustained support to a beginning teacher, both in and outside the classroom. Mentor teachers shall be selected so as to represent a reasonable distribution throughout all nine educational service districts;

(2) Stipends for mentor teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095; PROVIDED, That stipends shall not be subject to the continuing contract provisions of Title 28A RCW;

(3) Workshops for the training of mentor teachers;

(4) The use of substitutes to give the mentor teacher and beginning teacher opportunities to jointly observe and evaluate teaching situations and to give the mentor teacher opportunities to observe and assist the beginning teacher in the classroom; and

(5) A mentor teacher to be a superior teacher based on his or her evaluation and to hold a valid continuing certificate.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28A.58 RCW to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW 28A.58.095 or chapter 41.32 RCW.

**NEW SECTION.** Sec. 3. If specific funding for the purposes of section 1 of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, section 1 of this act shall be null and void. Section 1 of this act shall be of no effect unless such specific funding is so provided. If such funding is so provided, section 1 of this act shall take effect when the legislation providing the funding takes effect."

## MOTION

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

On page 1, on line 15, after "for" insert "up to"

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

The motion by Senator Gaspard carried and the Committee on Education amendment, as amended, was adopted.

## MOTION

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

On page 1, line 1 of the title, after "excellence," insert "adding a new section to chapter 28A.58 RCW:"

## MOTION

On motion of Senator Metcalf, Senators Cantu and Lee were excused.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 174, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 174, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 174, as amended by the Senate, and the bill passed by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Craswell, McDonald, Pullen - 3.

Excused: Senators Cantu, Lee, McCaslin, McManus, Rinehart, Zimmerman - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 174, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1065, by Committee on Ways and Means (originally sponsored by Representatives Rayburn, Long, Cole, McMullen, Betrozoff, K. Wilson, Haugen and Todd)

Providing funds for an in-service program on academic efficiency and classroom management.

The bill was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The climate for learning within our schools is an important ingredient in a child's education. It is essential that teachers have the knowledge and skills to effectively manage the classroom environment to maximize the use of time for educational purposes.

**NEW SECTION.** Sec. 2. (1) The superintendent of public instruction, in consultation with school districts, shall develop and administer an in-service training program designed to provide to two individuals per public school building during the two years after the effective date of this act, up to three days of training in techniques to identify and improve current levels of academic efficiency and of effective classroom management: PROVIDED, That for school buildings with enrollment of two hundred fifty full time equivalent students or fewer, one person shall be selected to receive the in-service training: PROVIDED FURTHER, That the in-service program created under this section shall be separate from any other in-service training program the legislature may establish or fund. School districts shall use existing models relating to techniques for enhancing classroom management and academic efficiency to provide the in-service training.

(2) Individuals eligible to attend are teachers, administrators, and teachers' aides. Each school is free to determine the makeup of its team. School building administrators are encouraged to use the individuals who receive the training as trainers to present an in-service training session for other school staff.

(3) The in-service training program authorized by subsection (1) of this section shall not be part of the program of basic education required under Article IX of the state Constitution.

This section shall expire two years after the effective date of this act.

**NEW SECTION. Sec. 3.** The superintendent of public instruction shall report to the legislature not later than two and one-half years from the effective date of this act, on the results of the in-service program created under section 2 of this act.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect unless such specific funding is so provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect."

#### MOTION

On motion of Senator Gaspard, the rules were suspended. Second Substitute House Bill No. 1065, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1065, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1065, as amended by the Senate, and the bill passed by the following vote: Yeas, 41; nays, 1; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 41.

Voting nay: Senator Bottiger - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Lee, McCaslin, McManus, Rinehart, Williams, Zimmerman - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 1065, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE JOINT RESOLUTION NO. 23 and requests a conference thereon. The Speaker has appointed the following conferees: Representatives McMullen, Tanner and Dobbs.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the request of the House for a conference on House Joint Resolution No. 23, and the Senate amendment thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Joint Resolution No. 23, and the Senate amendment thereto: Senators Goltz, McCaslin and McManus.

#### MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 3167 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3167, as amended by the House, extending timeshare regulation, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, after line 20, insert the following:

"Sec. 2. Section 36, chapter 22, Laws of 1983 1st ex. sess. and RCW 64.36.902 are each amended to read as follows:

This act shall take effect August 1, 1983 and shall terminate June 30, ((1987)) 1989 as provided in RCW 64.36.903.

Sec. 3. Section 37, chapter 22, Laws of 1983 1st ex. sess. and RCW 64.36.903 are each amended to read as follows:

Sections 1 through 35, chapter 22, Laws of 1983 1st ex. sess., as now existing or hereafter amended, and corresponding RCW sections are each repealed, effective June 30, ((1987)) 1989."

On page 2, beginning on line 21, strike everything through "64.36.903." on line 26

On page 1, on line 1 of the title, after "timeshares;" insert "and" and after "64.36.010" strike the remainder of the title and insert ", 64.36.902, and 64.36.903."

Signed by Senators Talmadge, Newhouse and Halsan; Representatives Armstrong, Hargrove and Van Luven.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Senate Bill No. 3167 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3390 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3390, changing nursing home auditing standards, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill, as amended by the House, and with the following amendments:

On page 22, after line 10, strike section 15, 16, 17 and 18.

On page 28, line 6, after "and)" strike all material through "act" on line 8.

On page 33, line 21, after "(14)" strike all material through line 33 and renumber succeeding subsections accordingly.

On page 40, line 18, after "allowance" strike all material through "act" on line 21.

On page 44, line 21, after "(2)" strike all material through line 28 and renumber succeeding subsections accordingly.

Signed by Senators Fleming, Deccio and McDermott; Representatives Brekke, Braddock and B. Williams.

## MOTION

On motion of Senator McDermott, the Report of the Conference Committee on Substitute Senate Bill No. 3390 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3367 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3367, revising public disclosure laws, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of further amending the House amendment to the bill as follows:

On page 16, beginning on line 7 of the House amendment, after "of" strike "fifty dollars or more" and insert "more than fifty dollars"

On page 16, beginning on line 26 of the House amendment, after "of" strike "fifty dollars or more" and insert "more than fifty dollars"

On page 26, beginning after line 1 of the House amendment, strike all material through "prescribe." on line 6 and insert:

"(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."

Signed by Senators Talmadge, Pullen and Halsan; Representatives Fisher, Fisch and Barnes.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3367 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

## GUBERNATORIAL APPOINTMENTS

April 24, 1985

GA 1 ISIAH TURNER, JR. to the position of Commissioner of the Department of Employment Security, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Norward J. Brooks.

Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Hold.

April 25 1985

GA 9 MARY G. FAULK, to the position of Director of the Washington State Lottery, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Robert A. Boyd.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Hold.

April 24, 1985

GA 15 EDWIN J. McWILLIAMS, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McDermott, Patterson, Saling, Stratton, Warnke.

Hold.

April 25, 1985

GA 105 ROBERT L. HOLLISTER, to the position as Director of Retirement Systems, reappointed by the Governor on February 19, 1985, for the term co-extensive with the term of the Governor.  
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Talmadge, Zimmerman.

Hold.

April 25, 1985

GA 115 JUDITH LONNQUIST, to the position of member of the State Lottery Commission, appointed by the Governor on March 12, 1985, for the term ending August 2, 1985, succeeding Ralph Danekas.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Hold.

April 25, 1985

GA 125 ROBERT M. SCHAEFER, to the position of member of the Washington State High Technology Coordinating Board, appointed by the Governor on April 10, 1985, for the term ending June 30, 1987.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Newhouse, Williams, Wojahn.

Hold.

April 24, 1985

GA 127 JAMES E. MINOR, to the position of member of the Washington State High Technology Coordinating Board, appointed by the Governor on April 10, 1985, for the term ending June 30, 1987.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Hold.

April 24, 1985

GA 150 LESLIE A. CROWE, to the position of member of the Commission on Vocational Education, appointed by the Governor on April 10, 1985, for the term ending July 1, 1987.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Johnson, Kiskaddon, Patterson, Saling, Stratton, Warnke.

Hold.

April 24, 1985

GA 151 JANET ALLISON, to the position of member of the Commission on Vocational Education, appointed by the Governor on April 10, 1985, for the term ending July 1, 1989.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Johnson, Kiskaddon, Patterson, Saling, Stratton, Warnke.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointments No. 1, 9, 15, 105, 115, 125, 127, 150 and 151 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 7:40 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, April 26, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

ONE HUNDRED-THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Friday, April 26, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Metcalf. On motion of Senator Zimmerman, Senator Metcalf was excused.

The Sergeant at Arms Color Guard, consisting of Pages Gina Gossage and Warnessa Ferguson, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark's Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

April 25, 1985

GA 113 JIM CALEY, to the position of member of the State Lottery Commission, appointed by the Governor on March 12, 1985, for the term ending August 2, 1988, succeeding Lawrence G. Waldt. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Newhouse, Williams, Wojahn.

Hold.

April 25, 1985

GA 122 THOMAS P. KEEFE, to the position of member of the State Gambling Commission, reappointed by the Governor on April 10, 1985, for the term ending June 30, 1987. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Hold.

April 25, 1985

GA 123 JULI VRAVES ANDERSON, to the position of member of the State Gambling Commission, appointed by the Governor on April 10, 1985, for the term ending June 30, 1988. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Newhouse, Williams, Wojahn.

Hold.

MOTION

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointments No. 113, 122 and 123 were advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William Riley, appointed April 25, 1985, for a term ending June 30, 1987, as a member of the Washington State Housing Finance Commission, succeeding Carol C. Little.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nanci C. Primley, reappointed April 25, 1985, for a term ending June 30, 1987, as a member of the Washington State Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Ballaine, appointed April 25, 1985, for a term ending June 30, 1987, as a member of the Washington State Housing Finance Commission, succeeding Charles R. Richmond.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne Rose, reappointed April 25, 1985, for a term ending June 30, 1987, as a member of the Washington State Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald R. Wick, reappointed April 25, 1985, for a term ending June 30, 1985, as a member of the Washington State Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Delbert L. Long, appointed April 25, 1985, for a term ending June 30, 1987, as a member of the Washington State Housing Finance Commission, succeeding Betty H. Sherman.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

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

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

Leo C. Brown, Jr., appointed April 25, 1985, for a term ending June 30, 1985, as a member of the Washington State Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

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

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

Ester B. Huey, appointed April 25, 1985, for a term ending June 30, 1985, as a member of the Washington State Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 25, 1985

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

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

James L. Kirschbaum, reappointed April 25, 1985, for a term ending at the Governor's pleasure, as a member of the Washington State Housing Finance Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

#### MESSAGE FROM THE GOVERNOR

April 25, 1985

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

I have the honor to advise you that on April 25, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3393

Relating to limitation of actions.

Senate Bill No. 3401

Relating to motor vehicle licensing.

Senate Bill No. 3467

Relating to county rail districts.

Senate Bill No. 3486

Relating to taxation of gambling.

Senate Bill No. 3494

Relating to turkey shoots conducted by charitable or nonprofit organizations.

Senate Bill No. 3569

Relating to risk management.

Substitute Senate Bill No. 4114

Relating to securities of the state, its agencies, political subdivisions, municipal corporations, or instrumentalities.

Substitute Senate Bill No. 3342

Relating to horse racing.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MESSAGES FROM THE HOUSE

April 25, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, and the Speaker has appointed as members of the Conference Committee: Representatives Wang, R. King and Patrick.  
SHARON L. CASE, Assistant Chief Clerk

April 25, 1985

Mr. President:

The House has passed SUBSTITUTE HOUSE BILL NO. 358 as amended by the Senate on page 1, line 11, and without the amendment on page 1, line 6, from which the Senate receded.

DENNIS L. HECK, Chief Clerk

April 25, 1985

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 4231, and the Speaker has appointed as members of the Conference Committee: Representatives Sutherland, McMullen and Sanders.

DENNIS L. HECK, Chief Clerk

April 25, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3176,

SUBSTITUTE SENATE BILL NO. 3220,

SUBSTITUTE SENATE BILL NO. 3333,

SENATE BILL NO. 3357,

SUBSTITUTE SENATE BILL NO. 3388,

SUBSTITUTE SENATE BILL NO. 3797,

SENATE BILL NO. 3906,

SENATE BILL NO. 4302,

SUBSTITUTE SENATE BILL NO. 4361, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 25, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3307,

SUBSTITUTE SENATE BILL NO. 3346,

SUBSTITUTE SENATE BILL NO. 3356,

SENATE BILL NO. 3420,

SUBSTITUTE SENATE BILL NO. 3438,

SENATE BILL NO. 3445,

SENATE BILL NO. 3456,

SUBSTITUTE SENATE BILL NO. 3468,

SUBSTITUTE SENATE BILL NO. 3540,

SENATE BILL NO. 3762,

SENATE BILL NO. 3765,

SUBSTITUTE SENATE BILL NO. 3786,

SUBSTITUTE SENATE BILL NO. 3792,

SENATE BILL NO. 3829,

SENATE BILL NO. 3851,

SENATE BILL NO. 3852,

SUBSTITUTE SENATE BILL NO. 3856.

SUBSTITUTE SENATE BILL NO. 3898.  
 SUBSTITUTE SENATE BILL NO. 3904.  
 SUBSTITUTE SENATE BILL NO. 3911.  
 SUBSTITUTE SENATE BILL NO. 3920.  
 SUBSTITUTE SENATE BILL NO. 4041.  
 SUBSTITUTE SENATE BILL NO. 4107.  
 SENATE BILL NO. 4140.  
 SENATE BILL NO. 4155.  
 SENATE BILL NO. 4206.  
 SUBSTITUTE SENATE BILL NO. 4267.  
 SUBSTITUTE SENATE BILL NO. 4386.  
 SUBSTITUTE SENATE BILL NO. 4399.  
 SENATE JOINT MEMORIAL NO. 109, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3189.  
 SENATE BILL NO. 3202.  
 SUBSTITUTE SENATE BILL NO. 3684.  
 SENATE BILL NO. 4263.

MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3254 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3254, revising certain provisions of domestic violence prevention laws, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 3, chapter 263, Laws of 1984 and RCW 26.50.020 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in RCW 26.50.010(3) have jurisdiction over proceedings under this chapter. ~~((If a proceeding under chapter 26.09, 26.12, or 26.26 RCW is commenced in a superior court before or after the filing of an action in a district or municipal court under this chapter, then the superior court shall have exclusive jurisdiction over proceedings under this chapter. Any municipal or district court order entered while that court had jurisdiction remains valid until superseded by a superior court order.))~~ The jurisdiction of district or municipal courts under this chapter shall be limited to the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents a child custody or visitation issue; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In

that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

~~((5) If an action under this chapter is commenced in a district or municipal court and a petitioner or respondent contests custody or visitation rights, then, upon the motion of either party containing proof that the petition for relief under this chapter has been filed with the superior court, the district or municipal court shall dismiss the action.))~~

Sec. 2. Section 4, chapter 263, Laws of 1984 and RCW 26.50.030 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(3).

(3) All court clerk's offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) A filing fee of twenty dollars shall be charged for proceedings under this section. No filing fee may be charged for: (a) A petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought; or (b) the transfer of a case from district or municipal court to superior court under RCW 26.50.020(2). Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

Sec. 3. Section 31, chapter 263, Laws of 1984 and RCW 26.50.035 are each amended to read as follows:

The administrator for the courts shall develop and prepare, in consultation with interested persons, the forms and instructional brochures required under RCW 26.50.030(3). ~~((These forms shall be distributed to and available for use by the court clerks before September 1, 1984.))~~ The administrator for the courts shall distribute a master copy of the forms and instructional brochures to all court clerks.

Sec. 4. Section 5, chapter 263, Laws of 1984 and RCW 26.50.040 are each amended to read as follows:

(1) Persons seeking relief under this chapter may file an application for leave to proceed in forma pauperis on forms supplied by the court. If the court determines that a petitioner lacks the funds to pay the costs of filing, the petitioner shall be granted leave to proceed in forma pauperis and no filing fee or any other court related fees shall be charged by the court to the petitioner for relief sought under this chapter. If the petitioner is granted leave to proceed in forma pauperis, then no fees for service may be charged to the petitioner.

(2) For the purpose of determining whether a petitioner has the funds available to pay the costs of filing an action under this chapter, the income of the household or family member named as the respondent is not considered.

Sec. 5. Section 7, chapter 263, Laws of 1984 and RCW 26.50.060 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

~~((1))~~ (a) Restrain a party from committing acts of domestic violence;

~~((2))~~ (b) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

~~((3))~~ (c) On the same basis as is provided in chapter 26.09 RCW, award temporary custody and establish temporary visitation with regard to minor children of the parties, and restrain any party from interfering with the custody of the minor children;

~~((4))~~ (d) Order the respondent to participate in treatment or counseling services;

~~((5))~~ (e) Order other relief as it deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter; and

~~((6))~~ (f) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee. If the petitioner has been granted leave to proceed in forma pauperis, the court may require the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense.

(2) Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

(3) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.

Sec. 6. Section 10, chapter 263, Laws of 1984 and RCW 26.50.090 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) Except in cases where the petitioner is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

Sec. 7. Section 15, chapter 263, Laws of 1984 and RCW 26.50.200 are each amended to read as follows:

Nothing in this ((act)) chapter may affect the title to real estate; PROVIDED, That a judgment for costs or fees awarded under this chapter shall constitute a lien on real estate to the extent provided in chapter 4.56 RCW.

Sec. 8. Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 18, chapter 263, Laws of 1984 and RCW 9A.36.040 are each amended to read as follows:

(1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

~~(((3) Every person convicted of three offenses under this section against a family or household member as defined in RCW 10.99.020 is guilty of a class C felony.))~~

Sec. 9. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 19, chapter 263, Laws of 1984 and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (4) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or ~~((other))~~ a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this

determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(6) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice.

Sec. 10. Section 4, chapter 105, Laws of 1979 ex. sess. as last amended by section 22, chapter 263, Laws of 1984 and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any ((defendant)) person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit ((the defendant)) that person from having any contact with the victim. The ((arresting)) jurisdiction authorizing the release shall determine whether ((the defendant)) that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting ((the defendant)) that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the ((defendant)) person charged or arrested from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the ((defendant)) person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require ((the defendant)) that person to surrender any deadly weapon in ((the defendant's)) that person's immediate possession or control, or subject to ((the defendant's)) that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which ((the defendant)) that person resides or to the defendant's counsel for safekeeping.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended.

(4) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. The written order releasing the ((defendant)) person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

((4)) (5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any ((computer-based criminal intelligence)) computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 11. Section 46.64.015, chapter 12, Laws of 1961 as last amended by section 2, chapter 28, Laws of 1979 ex. sess. and RCW 46.64.015 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100((2))(3), as now or hereafter amended.

Sec. 12. Section 5, chapter 105, Laws of 1979 ex. sess. as amended by section 24, chapter 263, Laws of 1984 and RCW 10.99.050 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 13. Section 37, chapter 299, Laws of 1961 and RCW 3.46.030 are each amended to read as follows:

A municipal department shall have exclusive jurisdiction of matters arising from ordinances of the city, and no jurisdiction of other matters except as conferred by statute.

Sec. 14. Section 51, chapter 299, Laws of 1961 as last amended by section 104, chapter 258, Laws of 1984 and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

NEW SECTION. Sec. 15. Sections 1 and 2 of this act shall take effect September 1, 1985."

On page 1, on line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 26.50.020, 26.50.030, 26.50.035, 26.50.040, 26.50.060, 26.50.090, 26.50.200, 9A.36.040, 10.31.100, 10.99.040, 46.64.015, 10.99.050, 3.46.030, and 3.50.020; and providing an effective date."

Signed by Senators Talmadge, Metcalf and Halsan; Representatives Crane, Scott and Patrick.

## MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Substitute Senate Bill No. 3254 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3384 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3384, establishing a salmon and steelhead rehabilitation and enhancement policy board, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

NEW SECTION, Sec. 2. (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The director shall review and update each policy statement at least once each year.

NEW SECTION, Sec. 3. (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the director in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
  - (b) Benefit/cost analysis;
  - (c) Needs of all fishing interests;
  - (d) Compatibility with regional plans, including harvest management plans;
  - (e) Likely increase in resource productivity;
  - (f) Direct applicability of any research;
  - (g) Salmon advisory council recommendations;
  - (h) Compatibility with federal court orders;
  - (i) Coordination with the salmon and steelhead advisory commission program;
  - (j) Economic impact to the state;
  - (k) Technical feasibility; and
  - (l) Preservation of native salmon runs.
- (3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.
- (4) The director shall prioritize various projects and establish a recommended implementation time schedule.

NEW SECTION, Sec. 4. Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

NEW SECTION, Sec. 5. The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

NEW SECTION, Sec. 6. As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 75.16.070, chapter 12, Laws of 1955 as amended by section 13, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.065 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure food fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of food fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists food fish or shellfish with which to stock state waters.

Sec. 8. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; ~~((and))~~
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; and

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.-- RCW (sections 1 through 6 of this 1985 act).

(c) All facilities funded in full or in part by the salmon enhancement account shall operate at full production capacity. Facilities which drop below full production capacity shall be made available for volunteer cooperative projects under chapter 75.52 RCW or on a contract basis for private salmon propagation solely to stock state waters. The salmon advisory council shall submit to the legislature by January 1, 1986, an evaluation of each facility funded by the 1977

salmon enhancement account, and a determination as to the full production capacity of each facility based on the objective of maximizing the number, pounds, quality, survival, and other pertinent factors affecting salmon smolt released.

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council consists of ~~((thirteen))~~ six members appointed by the governor; four legislative ex officio non-voting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chairman~~((the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries)).~~ Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon ~~((propagation facility))~~ enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

~~((Except for the director of the department of game and legislative members.))~~ Members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

~~((The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120.))~~

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

**NEW SECTION.** Sec. 9. A new section is added to chapter 75.08 RCW to read as follows:

A person who obtains a personal use license or punchcard, or is exempt from license requirements under this title, has given implied consent to an inspection of fishing equipment and containers capable of concealing fish. Such inspection is limited to that which is necessary to enforce this title and rules of the director and is limited in scope to those individuals engaged in angling or the taking of food fish or shellfish or are reasonably believed to have been recently engaged in such activity. Failure to comply with a request by a fisheries patrol officer shall result in a suspension of the privilege to fish for one calendar year.

Sec. 10. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The commission may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, removing obstructions to migratory fish, and eradicating undesirable fish. Department hatcheries shall operate at full production capacity as determined by the commission in a formal policy statement based on maximizing the number, pounds, quality, survival, and other pertinent factors affecting fish released into state waters. Facilities which fall below full production capacity after January 1, 1986, shall be made available for volunteer cooperative projects under chapter 75.52 RCW, or for private fish propagation solely to stock state waters. The commission may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

**NEW SECTION.** Sec. 11. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

**NEW SECTION.** Sec. 12. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act 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 "Relating to" strike the remainder of the title and insert "salmon, steelhead, and trout enhancement; amending 75.08.065, 75.48.120, and 77.12.420; adding a new section to chapter 75.08 RCW; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; and declaring an emergency."

Signed by Senators Owen and Stratton; Representatives Lundquist, Sayan and Sutherland.

#### MOTION

Senator Owen moved that the Report of the Conference Committee on Substitute Senate Bill No. 3384 be adopted and the committee be granted the powers of Free Conference.

#### MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "What stage can a person challenge the scope and object of what they have drafted into the bill?"

#### REPLY BY THE PRESIDENT

President Cherberg: "If the powers of free conference are granted when the bill comes back before the Senate, the President believes that's what gives you the opportunity."

Senator Rasmussen: "That definitely should be scoped and I'll watch it then when it comes back."

President Cherberg: "The President wishes to point out that the Free Conference Committee has almost unlimited power. The only way it could be opened up to scope and object is if an amendment to the title is required."

Senator Rasmussen: "Could I raise scope and object at this time to the proposed—that the Free Conference Committee is going to draft? I would like to do that."

President Cherberg: "The President believes that the time would be when the bill is returned—if it is returned from the Free Conference Committee."

Senator Rasmussen: "Thank you, Mr. President."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Owen that the Report of the Conference Committee on Substitute Senate Bill No. 3384 be adopted and that the committee be granted the powers of Free Conference.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the Report of the Conference Committee on Substitute Senate Bill No. 3384 was adopted and the committee was granted the powers of Free Conference by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Conner, Craswell, Deccio, Garrett, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Pullen, Rasmussen, Saling, von Reichbauer, Zimmerman - 21.

Excused: Senator Metcalf - 1.

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

## REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 131, as amended by the Senate, revising the regulation of health-related professions, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

## \*PART I

## UNIFORM DISCIPLINARY ACT

Sec. 1. Section 1, chapter 279, Laws of 1984 and RCW 18.130.010 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 2. Section 2, chapter 279, Laws of 1984 and RCW 18.130.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Disciplining authority" means (a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c) the agency or board having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or ((the chapter under which the license is held)) a chapter specified under RCW 18.130.040.

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

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

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

(6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(7) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.

(8) "Health agency" means city and county health departments and the department of social and health services.

(9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020 for the purposes of this chapter.

Sec. 3. Section 4, chapter 279, Laws of 1984 and RCW 18.130.040 are each amended to read as follows:

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

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

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) ~~(Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;~~

~~(vi)~~ Massage operators and businesses licensed under chapter 18.108 RCW; ~~(and~~  
~~(vii)~~ ~~(vi)~~ Dental hygienists licensed under chapter 18.29 RCW; ~~and~~  
~~(vii)~~ Counselors, hypnotherapists, social workers, mental health counselors, and marriage  
 and family therapists registered or certified under chapter 18.-- RCW (sections 158 through 179  
 of this 1985 act).

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

(i) The podiatry board as established in chapter 18.22 RCW;  
 (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing  
 licenses issued under chapter 18.25 RCW;

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

~~(iv) (The council on hearing aids as established in chapter 18.35 RCW;~~

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

~~((vi))~~ The board of examiners for nursing home administrators as established in chapter  
 18.52 RCW;

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

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

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

~~((x))~~ ~~(viii)~~ The board of physical therapy as established in chapter 18.74 RCW;

~~((xii))~~ ~~(ix)~~ The board of occupational therapy practice as established in chapter 18.59  
 RCW;

~~((xiii))~~ ~~(x)~~ The board of practical nursing as established in chapter 18.78 RCW;

~~((xiiii))~~ ~~(xi)~~ The psychology disciplinary committee established under chapter 18.83 RCW;

~~((xv))~~ The board of nursing as established in chapter 18.88 RCW; and

~~((xvi))~~ ~~(xii)~~ The veterinary board of governors as established in chapter 18.92 RCW.

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

Sec. 4. Section 7, chapter 279, Laws of 1984 and RCW 18.130.070 are each amended to  
 read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not  
 limited to, licensees, corporations, organizations, health care facilities, and ~~((federat;))~~ state~~(;))~~  
 or local governmental agencies, to report to the disciplining authority any conviction, determi-  
 nation, or finding that a license holder has committed an act which constitutes unprofessional  
 conduct, or to report information which indicates that the license holder may not be able to  
 practice his or her profession with reasonable skill and safety to consumers as a result of a  
 mental or physical condition. To facilitate meeting the intent of this section, the cooperation of  
 agencies of the federal government is requested by reporting any conviction, determination,  
 or finding that a federal employee or contractor regulated by the disciplinary authorities enu-  
 merated in this chapter has committed an act which constituted unprofessional conduct and  
 reporting any information which indicates that a federal employee or contractor regulated by  
 the disciplinary authorities enumerated in this chapter may not be able to practice his or her  
 profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the  
 superior court of the county in which the person resides or is found, and the court shall issue to  
 the person an order to furnish the required report. A failure to obey the order shall be pun-  
 ished by the court as civil contempt.

(3) A person is immune from civil liability, whether direct or derivative, for providing  
 information to the disciplining authority pursuant to the rules adopted under subsection (1) of  
 this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disci-  
 plining authority any conviction, determination, or finding that the licensee has committed  
 unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report  
 within thirty days of notice of the conviction, determination, or finding constitutes grounds for  
 disciplinary action.

Sec. 5. Section 8, chapter 279, Laws of 1984 and RCW 18.130.080 are each amended to  
 read as follows:

A person, ~~((firm, corporation, or public officer))~~ including but not limited to consumers, licensees, corporations, organizations, health care facilities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. Section 9, chapter 279, Laws of 1984 and RCW 18.130.090 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.

Sec. 7. Section 13, chapter 279, Laws of 1984 and RCW 18.130.130 are each amended to read as follows:

An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.04 RCW, or an order of summary suspension entered under this chapter, shall take effect immediately upon its being served. The order, if appealed to the court, shall not be stayed pending the appeal unless the disciplining authority or court to which the appeal is taken enters an order staying the order of the disciplining authority, which stay shall provide for terms necessary to protect the public.

Sec. 8. Section 16, chapter 279, Laws of 1984 and RCW 18.130.160 are each amended to read as follows:

Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation ~~((on the license holder's))~~ of the practice;
- (4) ~~((The establishment of a requirement that))~~ Requiring the ((license holder satisfactorily complete)) satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the ~~((license holder's))~~ practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action ~~((by the license holder));~~
- (11) Refund of fees ~~((charged))~~ billed to and collected from the consumer ~~((by the license holder)).~~

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

Sec. 9. Section 17, chapter 279, Laws of 1984 and RCW 18.130.170 are each amended to read as follows:

(1) If the disciplining authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2) In enforcing this section, the disciplining authority may require a license holder or applicant to submit to a mental or physical examination by one or more ~~((physicians, a psychological examination by one or more licensed psychologists))~~ licensed or certified health professionals designated by the disciplining authority ~~((or any combination thereof))~~. The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the licensee may submit ~~((psychiatric;))~~ physical ~~((;))~~ or ~~((psychological))~~ mental examination reports from ~~((physicians or psychologists))~~ licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of a license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or denial of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining ~~((physician's or psychologist's))~~ health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications.

Sec. 10. Section 18, chapter 279, Laws of 1984 and RCW 18.130.180 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. ~~((The disciplinary authority shall define by rule acts involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession;))~~ If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or ~~((use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer))~~ malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, ~~((addition to;))~~ prescription for use, ~~((diversion;))~~ or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, ~~((or))~~ the addition to or diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing ~~((drugs))~~ controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) ~~((Willful or repeated))~~ Violations of rules established by any health agency ~~((or authority of the state or a political subdivision thereof))~~;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The wilful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Drunkenness or habitual intemperance in the use of alcohol or addiction to alcohol;

(24) ~~((Physical))~~ Abuse of a client or patient or sexual contact with a client or patient.

Sec. 11. Section 19, chapter 279, Laws of 1984 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate ~~((bona fide))~~ complaints concerning practice by unlicensed individuals of a profession requiring a license. In the investigation of the complaints, the director shall have the same authority as provided the director for the investigation of complaints against license holders. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any individual may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any individual practicing a licensed profession without a license from engaging in such practice until the required license is secured. However, the injunction shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession under the jurisdiction of a disciplining authority specified in RCW 18.130.040 ~~((without a license))~~, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 12. Section 20, chapter 279, Laws of 1984 and RCW 18.130.200 are each amended to read as follows:

A person who attempts to obtain or obtains a license by wilful misrepresentation or fraudulent representation is guilty of a misdemeanor.

Sec. 13. Section 22, chapter 279, Laws of 1984 and RCW 18.130.210 are each amended to read as follows:

If the disciplining authority determines or has cause to believe that a license holder has committed a crime, the disciplining authority, immediately subsequent to issuing findings of fact and a final order, shall ~~((in addition to taking the appropriate administrative action, concurrently))~~ notify the attorney general or the county prosecuting attorney in the county in which the act took place of the facts known to the disciplining authority.

Sec. 14. Section 24, chapter 279, Laws of 1984 and RCW 18.130.900 are each amended to read as follows:

(1) This chapter shall be known and cited as the uniform disciplinary act.

~~(2) This chapter applies to any conduct, acts, or conditions occurring on or after the effective date of this 1985 act.~~

~~(3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to the effective date of this 1985 act. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.~~

NEW SECTION, Sec. 15. A new section is added to chapter 18.130 RCW to read as follows:

If an individual or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the director, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

NEW SECTION, Sec. 16. Section 3, chapter 279, Laws of 1984 and RCW 18.130.030 are each repealed.

#### PART II PODIATRY

NEW SECTION, Sec. 17. A new section is added to chapter 18.22 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 18. Section 10, chapter 21, Laws of 1982 and RCW 18.22.015 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatrist licenses;

(3) Examine and investigate all applicants for podiatrist licenses and certify to the director all applicants it judges to be properly qualified((;

~~(4) Conduct hearings for the refusal, suspension, or revocation of licenses or appoint a departmental hearing officer to conduct these hearings;~~

~~(5) Investigate all reports, complaints, and charges of malpractice, unsafe conditions or practices, or unprofessional conduct against any licensed podiatrist and direct corrective action if necessary;~~

~~(6) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(7) Take or cause depositions to be taken as needed in any investigation, hearing, or disciplinary proceeding; and~~

~~(8) Adopt rules establishing ethical standards for the podiatric profession including rules relating to false or misleading advertising and excessive charges for professional services)).~~

The board may adopt any ~~((other))~~ rules which it considers necessary or proper to carry out the purposes of this chapter.

NEW SECTION, Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 21, Laws of 1982 and RCW 18.22.016;

(2) Section 26, chapter 279, Laws of 1984 and RCW 18.22.017;

(3) Section 13, chapter 52, Laws of 1957, section 2, chapter 77, Laws of 1973, section 3, chapter 21, Laws of 1982 and RCW 18.22.020;

(4) Section 15, chapter 21, Laws of 1982 and RCW 18.22.141;

(5) Section 16, chapter 21, Laws of 1982 and RCW 18.22.151;

(6) Section 14, chapter 149, Laws of 1955, section 18, chapter 77, Laws of 1973, section 18, chapter 21, Laws of 1982, section 24, chapter 3, Laws of 1983 and RCW 18.22.215;

(7) Section 3, chapter 38, Laws of 1917 (uncodified); and

(8) Section 2, chapter 48, Laws of 1935 (uncodified).

NEW SECTION, Sec. 20. The repeal of RCW 18.22.020, 18.22.141, and 18.22.151 shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART III  
CHIROPRACTIC

NEW SECTION. Sec. 21. A new section is added to chapter 18.25 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 18.26 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 23. Section 2, chapter 53, Laws of 1959 as last amended by section 27, chapter 287, Laws of 1984 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

~~((Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.))~~

Sec. 24. Section 15, chapter 5, Laws of 1919 as last amended by section 3, chapter 277, Laws of 1981 and RCW 18.25.090 are each amended to read as follows:

~~((Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person falsely claiming himself to be the person named in a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer: PROVIDED, That))~~ On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 25. Section 3, chapter 171, Laws of 1967 as last amended by section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030 are each amended to read as follows:

(1) In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW ((shall mean the following items or any one or combination thereof:

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) A violation of any rule or regulation pertaining to advertising of chiropractic practice or business promulgated by the board;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10)) includes failing to differentiate chiropractic care from any and all other methods of healing at all times(;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Violation of any ethical standard as established by the board;

(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;

(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition)).

(2) Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board.

Sec. 26. Section 11, chapter 171, Laws of 1967 as amended by section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

(1) ~~To) may~~ adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter(:

(2) ~~To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;~~

(3) ~~To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;~~

(4) ~~To employ necessary stenographic or clerical help;~~

(5) ~~To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

(6) ~~To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding)).~~

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

(1) Section 4, chapter 5, Laws of 1919 and RCW 18.25.010;

(2) Section 27, chapter 279, Laws of 1984 and RCW 18.25.018;

(3) Section 8, chapter 5, Laws of 1919, section 21, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 277, Laws of 1981, section 16, chapter 7, Laws of 1985 and RCW 18.25.050; and

(4) Section 7, chapter 5, Laws of 1919 (uncodified).

NEW SECTION. Sec. 28. The repeal of RCW 18.25.010 and 18.25.050 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 279, Laws of 1984 and RCW 18.26.027;

(2) Section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035;

(3) Section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037;

(4) Section 10, chapter 171, Laws of 1967 and RCW 18.26.100;

(5) Section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120;

(6) Section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130;

(7) Section 14, chapter 171, Laws of 1967 and RCW 18.26.140;

(8) Section 15, chapter 171, Laws of 1967 and RCW 18.26.150;

(9) Section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160;

(10) Section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170;

(11) Section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180;

(12) Section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190;

(13) Section 20, chapter 171, Laws of 1967 and RCW 18.26.200;

(14) Section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210;

(15) Section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220;

(16) Section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230;

(17) Section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240;

(18) Section 25, chapter 171, Laws of 1967 and RCW 18.26.250;

(19) Section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;

(20) Section 28, chapter 171, Laws of 1967 and RCW 18.26.280;

(21) Section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290;

(22) Section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; and

(23) Section 32, chapter 171, Laws of 1967 and RCW 18.26.310.

NEW SECTION. Sec. 30. The amendment of RCW 18.26.030 and the repeal of RCW 18.26.035 and 18.26.037 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART IV  
DENTAL HYGIENISTS

NEW SECTION, Sec. 31. A new section is added to chapter 18.29 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 32. The following acts or parts of acts are each repealed:

- (1) Section 26, chapter 16, Laws of 1923 and RCW 18.29.010;
- (2) Section 29, chapter 279, Laws of 1984 and RCW 18.29.075;
- (3) Section 34, chapter 16, Laws of 1923 and RCW 18.29.080;
- (4) Section 35, chapter 16, Laws of 1923 and RCW 18.29.090; and
- (5) Section 30, chapter 16, Laws of 1923 (uncodified).

NEW SECTION, Sec. 33. The repeal of RCW 18.29.010, 18.29.080, and 18.29.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART V  
DENTISTRY

NEW SECTION, Sec. 34. A new section is added to chapter 18.32 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 35, Section 8, chapter 93, Laws of 1953 and RCW 18.32.085 are each amended to read as follows:

The ~~((director of licensing shall have))~~ dental disciplinary board has the power and it shall be ~~((his))~~ its duty to:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the ~~((director))~~ board but not more than three years, and to require the production of all such records for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives; and

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives such other records as may be reasonable and proper in the performance of ~~((his))~~ its duties and enforcing the provisions of this chapter.

Sec. 36, Section 20, chapter 112, Laws of 1935 and RCW 18.32.290 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; ~~((or to advertise any amount as a price or fee for the service or services of any person engaged as principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used;))~~ or to employ "capper" or "steerers" to obtain patronage; ~~((or to give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways;))~~ and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: PROVIDED, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered; ~~((AND PROVIDED FURTHER, That any person licensed under this chapter shall not advertise any specific amount of credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered))~~. The dental disciplinary board may adopt such rules as are necessary to carry out the intent of this section.

Sec. 37, Section 39, chapter 52, Laws of 1957 and RCW 18.32.360 are each amended to read as follows:

~~((It shall be unlawful for any person to practice dentistry under any name, except his own, which shall be that used in his license issued by the director: PROVIDED, That this shall not apply to any person who was practicing dentistry in this state on March 20, 1935, under an association or trade name.~~

It shall be unlawful for any person to conduct a dental office in his name, or to advertise his name in connection with any dental offices, unless he is personally present therein operating as a dentist, or personally overseeing the operations performed in any office, during most of the time that that office is being operated: PROVIDED, That this section shall not prohibit any person from continuing to conduct any offices legally conducted in this state on March 20, 1935;)) Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by ~~((this chapter))~~ RCW 18.130.190(2), and in addition shall constitute a gross misdemeanor.

Sec. 38. Section 16, chapter 112, Laws of 1935 and RCW 18.32.390 are each amended to read as follows:

Any person who ~~((shall practice or offer to practice dentistry in this state without being registered or without a license for that purpose, or))~~ violates any of the provisions of the chapter for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor.

Sec. 39. Section 37, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through ~~((18.32.780))~~ 18.32.620 shall be known and may be cited as the "Dental Disciplinary Board Act".

Sec. 40. Section 2, chapter 5, Laws of 1977 ex. sess. as amended by section 36, chapter 158, Laws of 1979 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510 ~~((and 18.32.530))~~ through ~~((18.32.780))~~ 18.32.620.

- (1) "Board" means the dental disciplinary board created in RCW 18.32.560.
- (2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.
- (3) "Member" means member of the dental disciplinary board.
- (4) "Secretary" means the secretary of the dental disciplinary board.
- (5) "Director" means the director of licensing of the state of Washington.
- (6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 41. Section 3, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.530 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in RCW 18.32.530 through ~~((18.32.780 and in RCW 18.32.230 as now or hereafter amended shall mean any one of the following items or any combination thereof:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, which act relates to a person's fitness to practice dentistry; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, however, the judgment and sentence shall be conclusive evidence at an ensuing disciplinary hearing of the guilt of the respondent dentist of the crime described in the indictment or information, and of said respondent dentist's violation of the statute upon which it is based; PROVIDED, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;~~

~~(2) Making any misrepresentation or false promise directly or indirectly to influence, persuade or induce dental patronage, or engaging in any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;~~

~~(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice dentistry or in the reinstatement of such license;~~

~~(4) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or for assisting in the care or treatment of a patient, without the knowledge of said patient or the patient's legal representative;~~

~~(5) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry. The person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of RCW 18.32.530 through 18.32.780;~~

~~(6) Professional connection or association with or lending a dentist's name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this chapter;~~

~~(7) The impersonation of another licensed practitioner;~~

~~(8) Suspension or revocation of the dentist's license to practice dentistry by competent authority in any state, federal, or foreign jurisdiction;~~

~~(9) Gross incompetency in the practice of dentistry;~~

~~(10)) 18.32.620 includes gross, wilful ((and)), or continued overcharging for professional services((;~~

~~(11) Wilful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof;~~

~~(12) Habitual intoxication or addiction to the use of controlled substances;~~

~~(13) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes or in violation of law;~~

~~(14) Any conduct in violation of this chapter;~~

~~(15) Wilful violation of RCW 18.32.540 or wilful disregard of a subpoena or notice of the dental disciplinary board)).~~

Sec. 42. Section 14, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.640 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To)) may adopt, amend, and rescind such rules as it deems necessary to carry out ((the provisions of RCW 18.32.510, and 18.32.530 through 18.32.780;~~

~~(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether or not such charges can be substantiated;~~

~~(3) To employ necessary stenographic or clerical help under the provisions of chapter 41.06 RCW;~~

~~(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding;~~

~~(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;~~

~~(6) To investigate complaints and charges of malpractice, unsafe conditions and practices, and to analyze equipment, procedures, and training, in such cases, and to direct corrective action)) this chapter.~~

**NEW SECTION.** Sec. 43. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 279, Laws of 1984 and RCW 18.32.038;

(2) Section 1, chapter 99, Laws of 1981 and RCW 18.32.055;

(3) Section 22, chapter 112, Laws of 1935, section 29, chapter 5, Laws of 1977 ex. sess., section 5, chapter 277, Laws of 1981 and RCW 18.32.080;

(4) Section 27, chapter 52, Laws of 1957, section 6, chapter 277, Laws of 1981 and RCW 18.32.090;

(5) Section 8, chapter 112, Laws of 1935, section 30, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.230;

(6) Section 23, chapter 112, Laws of 1935, section 32, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.380;

(7) Section 31, chapter 279, Laws of 1984 and RCW 18.32.535;

(8) Section 4, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.540;

(9) Section 5, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.550;

(10) Section 13, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.630;

(11) Section 15, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.650;

(12) Section 16, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.660;

(13) Section 17, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.670;

(14) Section 18, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.680;

(15) Section 19, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.690;

(16) Section 20, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.700;

(17) Section 21, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.710;

(18) Section 22, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.720;

(19) Section 23, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.730;

(20) Section 24, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.740;

(21) Section 25, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.750;

(22) Section 26, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.760;

(23) Section 27, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.770; and

(24) Section 28, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.780.

**NEW SECTION.** Sec. 44. The repeal of RCW 18.32.090 and 18.32.550 and the amendment of RCW 18.32.290, 18.32.360, and 18.32.530 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART VI DISPENSING OPTICIANS

**NEW SECTION.** Sec. 45. A new section is added to chapter 18.34 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

**NEW SECTION.** Sec. 46. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 43, Laws of 1957 and RCW 18.34.090;

(2) Section 10, chapter 43, Laws of 1957 and RCW 18.34.100;

(3) Section 32, chapter 279, Laws of 1984 and RCW 18.34.135;

(4) Section 14, chapter 43, Laws of 1957 and RCW 18.34.140; and

(5) Section 15, chapter 43, Laws of 1957 and RCW 18.34.150.

**NEW SECTION.** Sec. 47. The repeal of RCW 18.34.090 and 18.34.140 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART VII HEARING AIDS

**NEW SECTION.** Sec. 48. Section 33, chapter 279, Laws of 1984 and RCW 18.35.173 are each repealed.

PART VIII  
DRUGLESS HEALING

**NEW SECTION.** Sec. 49. A new section is added to chapter 18.36 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 50. Section 13, chapter 36, Laws of 1919 as amended by section 1, chapter ... (SHB 469), Laws of 1985 and RCW 18.36.010 are each amended to read as follows:

The term "drugless therapeutics," as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter, consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, including the use of severance and penetration of the skin for purposes only of withdrawing blood samples for diagnostic purposes (venipuncture), but shall in no way include the giving, prescribing, or recommending of pharmaceutical drugs and poisons for internal use, the purpose of (~~RCW 18.36.010 through 18.36.165~~) this chapter being to confine practitioners under this chapter to drugless therapeutics. The legislative budget committee shall specifically study the appropriateness of venipuncture within this definition pursuant to the sunset review process provided for in chapter 43.131 RCW.

A person shall be considered as practicing within the meaning of this chapter if the person uses, prescribes, directs, or recommends any drugless treatment for the relief of a wound, fracture, bodily injury, or disease, either mental or physical.

The words "certificate" and "license" shall be interchangeable terms in this chapter, but nothing in this section affects the definitions of these terms in chapter 18.120 RCW.

Sec. 51. Section 12, chapter 36, Laws of 1919 and RCW 18.36.020 are each amended to read as follows:

The term "separate and coordinate system" as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter is defined as follows:

Food science. Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

Mechano-therapy. Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

Suggestive therapeutics. Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

Phyicultopathy. Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

Sec. 52. Section 8, chapter 36, Laws of 1919 and RCW 18.36.030 are each amended to read as follows:

Nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: PROVIDED, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: PROVIDED, also that nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be held to apply to, or regulate any kind of treatment by prayer.

Sec. 53. Section 3, chapter 36, Laws of 1919 as last amended by section 34, chapter 7, Laws of 1985 and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW 43.24.086, which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 (~~through 18.36.165~~) a diploma from a chartered drugless school, the entrance requirements of which was a common

school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. ~~((The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general, and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.))~~

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Sec. 54, Section 11, chapter 36, Laws of 1919 as last amended by section 35, chapter 7, Laws of 1985 and RCW 18.36.050 are each amended to read as follows:

The examination held by the director under ~~((RCW 18.36.010 through 18.36.165))~~ this chapter shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under ~~((the provisions of RCW 18.36.010 through 18.36.165))~~ this chapter, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 ~~((through 18.36.165))~~ and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

Sec. 55, Section 4, chapter 36, Laws of 1919 and RCW 18.36.060 are each amended to read as follows:

The following forms of certificates shall be issued by the director:

- (1) A certificate authorizing the holder thereof to practice mechanotherapy;
- (2) A certificate authorizing the holder thereof to practice suggestive therapeutics;
- (3) A certificate authorizing the holder thereof to practice food science;
- (4) A certificate authorizing the holder thereof to practice physcultopathy;
- (5) A certificate for any other separate and coordinate system of drugless practice: PRO-

VIDED, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt.

Sec. 56. Section 7, chapter 36, Laws of 1919 and RCW 18.36.130 are each amended to read as follows:

All persons granted licenses or certificates under ~~((RCW 18.36.010 through 18.36.165))~~ this chapter shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

NEW SECTION. Sec. 57. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 279, Laws of 1984 and RCW 18.36.135;
- (2) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140; and
- (3) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150.

NEW SECTION. Sec. 58. The repeal of RCW 18.36.140 and 18.36.150 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART IX

#### EMBALMERS AND FUNERAL DIRECTORS

NEW SECTION. Sec. 59. A new section is added to chapter 18.39 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 60. Section 15, chapter 108, Laws of 1937 as last amended by section 39, chapter 7, Laws of 1985 and RCW 18.39.130 are each amended to read as follows:

The ~~((director))~~ board may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the license and payment by the holder of a fee determined under RCW 43.24.086, the ~~((director))~~ board may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington.

Sec. 61. Section 3, chapter 93, Laws of 1977 ex. sess. as amended by section 40, chapter 7, Laws of 1985 and RCW 18.39.145 are each amended to read as follows:

The ~~((director))~~ board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

((The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director.)) The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the

requirements are met for each license. All funeral establishment licenses shall expire on June 30, or as otherwise determined by the director.

Sec. 62. Section 4, chapter 93, Laws of 1977 ex. sess. as amended by section 9, chapter 43, Laws of 1981 and RCW 18.39.148 are each amended to read as follows:

If a licensed funeral establishment does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the ~~((director or the))~~ board. Upon notification of cancellation of a funeral establishment license, the funeral establishment shall be notified of the opportunity for a hearing, which shall be conducted pursuant to chapter 34.04 RCW.

Sec. 63. Section 8, chapter 108, Laws of 1937 as last amended by section 41, chapter 7, Laws of 1985 and RCW 18.39.150 are each amended to read as follows:

Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within ~~((three))~~ one year~~((s))~~, the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the ~~((director))~~ board and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties.

Sec. 64. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 34, chapter 287, Laws of 1984 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules; and

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board.

~~((6) To ((suspend or revoke any license, after proper hearing and notice to the licensee,)) conduct disciplinary proceedings under chapter 18.130 RCW if the licensee has violated that chapter or has committed ((any of the following):~~

~~((a) A crime involving moral turpitude and resulting in a conviction;~~

~~((b)) unprofessional conduct, which includes:~~

~~((i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;~~

~~((ii) False or misleading advertising as a funeral director or embalmer;~~

~~((iii)) ((a) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;~~

~~((iv)) ((b) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;~~

~~((v)) ((c) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;~~

~~((vi)) ((d) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;~~

~~((vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;~~

~~((viii)) ((e) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;~~

~~((ix)) ((f) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;~~

~~((x) Violation of any of the provisions of this chapter or the rules in support thereof;~~

~~((xi)) ((g) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;~~

~~((xii) Fraud or misrepresentation in obtaining a license;~~

~~((xiii)) ((h) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;~~

~~((xiv))~~ (1) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

~~((xv))~~ (1) Knowingly concealing information concerning a violation of this chapter;

~~((6))~~ (7) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

Sec. 65. Section 5, chapter 93, Laws of 1977 ex. sess. as amended by section 13, chapter 43, Laws of 1981 and RCW 18.39.181 are each amended to read as follows:

The director shall have the following powers and duties:

~~(1) (To determine the qualifications of applicants for all licenses under this chapter;~~

~~(2))~~ To issue all licenses provided for under this chapter;

~~((3))~~ (2) To annually renew licenses under this chapter;

~~((4))~~ (3) To collect all fees prescribed and required under this chapter; and

~~((5))~~ (4) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.

Sec. 66. Section 15, chapter 66, Laws of 1982 and RCW 18.39.231 are each amended to read as follows:

A funeral director or any person under the supervision of a funeral director shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or investment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

A violation of this section is a gross misdemeanor and is grounds for disciplinary action ~~((including suspension or revocation of the license, as provided in RCW 18.39.179)).~~

The board shall adopt such rules as the board deems reasonably necessary to prevent unethical financial dealings between funeral directors and their clients.

Sec. 67. Section 4, chapter 66, Laws of 1982 and RCW 18.39.260 are each amended to read as follows:

A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the ~~((director))~~ board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments until all prearrangement contract obligations have been fulfilled. The funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled.

Sec. 68. Section 7, chapter 66, Laws of 1982 and RCW 18.39.280 are each amended to read as follows:

To apply for an original certificate of registration, a funeral establishment must:

(1) File with the ~~((director))~~ board its request showing:

(a) Its name, location, and organization date;

(b) The kinds of funeral business it proposes to transact;

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the director; and

(d) Such other documents, stipulations, or information as the ~~((director))~~ board may reasonably require to evidence compliance with the provisions of this chapter.

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

Sec. 69. Section 8, chapter 66, Laws of 1982 and RCW 18.39.290 are each amended to read as follows:

All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended((;)) or revoked((or renewed)). A certificate shall be subject to renewal annually ((on the first day of July upon)) ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect ~~((in advance the following))~~ fees~~((:~~

~~(1) Certificate of registration:~~

~~(a) Issuance—thirty-five dollars;~~

~~(b) Renewal—fifteen dollars;~~

~~(2) Annual statement of financial condition—ten dollars)) related to certificate of registration licensure.~~

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the ~~((general fund))~~ health professions account.

Sec. 70. Section 6, chapter 66, Laws of 1982 and RCW 18.39.300 are each amended to read as follows:

In addition to the grounds for action set forth in RCW 18.130.170 and 18.130.180, the ((director)) board may ((refuse to renew or may revoke or suspend a)) take the disciplinary action set forth in RCW 18.130.160 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the ((funeral establishment)) licensee or registrant:

(1) Fails to comply with any provisions of this chapter, chapter 18.130 RCW, or any proper order or regulation of the ((director)) board;

(2) Is found by the ((director)) board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the ((director)) board when required; or

(4) Is found by the ((director)) board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

Sec. 71. Section 10, chapter 66, Laws of 1982 and RCW 18.39.320 are each amended to read as follows:

(1) Each authorized funeral establishment shall annually, ((before the first day of March)) at the time of its registration renewal, file with the ((director)) board a true and accurate statement of its financial condition, transactions, and affairs for ((the)) its preceding ((calendar)) fiscal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the ((director)) board.

(2) The ((director)) board shall ((suspend or revoke)) take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the ((director)) board has, for good cause, granted.

Sec. 72. Section 11, chapter 66, Laws of 1982 and RCW 18.39.330 are each amended to read as follows:

No prearrangement funeral contract forms shall be used without the prior approval of the ((director)) board.

The ((director)) board shall disapprove any such contract form, or withdraw prior approval, when such form:

(1) Violates or does not comply with this chapter;

(2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;

(3) Has any title, heading, or other part of its provisions which is misleading; or

(4) Is being solicited by deceptive advertising.

NEW SECTION, Sec. 73. The following acts or parts of acts are each repealed:

(1) Section 35, chapter 279, Laws of 1984 and RCW 18.39.176;

(2) Section 12, chapter 43, Laws of 1981 and RCW 18.39.179;

(3) Section 6, chapter 93, Laws of 1977 ex. sess., section 17, chapter 43, Laws of 1981 and RCW 18.39.223;

(4) Section 7, chapter 93, Laws of 1977 ex. sess., section 18, chapter 43, Laws of 1981 and RCW 18.39.225;

(5) Section 9, chapter 66, Laws of 1982 and RCW 18.39.310; and

(6) Section 12, chapter 66, Laws of 1982 and RCW 18.39.340.

NEW SECTION, Sec. 74. The repeal of RCW 18.39.179 and the amendment of RCW 18.39.175 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART X MIDWIFERY

NEW SECTION, Sec. 75. A new section is added to chapter 18.50 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 76. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 160, Laws of 1917, section 9, chapter 53, Laws of 1981 and RCW 18.50.100;

(2) Section 9, chapter 160, Laws of 1917 and RCW 18.50.120; and

(3) Section 36, chapter 279, Laws of 1984 and RCW 18.50.125.

NEW SECTION, Sec. 77. The repeal of RCW 18.50.100 and 18.50.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XI  
OPTOMETRY

NEW SECTION. Sec. 78. A new section is added to chapter 18.53 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.54 RCW.

NEW SECTION. Sec. 79. A new section is added to chapter 18.54 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.53 RCW.

Sec. 80. Section 8, chapter 144, Laws of 1919 and RCW 18.53.030 are each amended to read as follows:

The ~~((director))~~ board may at ~~((his))~~ its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by ~~((said director))~~ the board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the ~~((director))~~ board, nor where a certificate has been revoked.

Sec. 81. Section 11, chapter 144, Laws of 1919 as amended by section 6, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.100 are each amended to read as follows:

~~((The optometry board may under the provisions of the administrative procedure act, chapter 34.04 RCW, upon presentation of evidence and information by the director, revoke the license of any optometrist for any of the following causes:~~

~~((1))~~ Conviction of any crime involving moral turpitude; or

~~((2))~~ The following constitutes grounds for disciplinary action under chapter 18.130 RCW:

(1) Any form of fraud or deceit used in securing a license; or

~~((3))~~ (2) Any unprofessional conduct, of a nature likely to deceive or defraud the public;

or

~~((4))~~ The obtaining of any fee by fraud or misrepresentation; or

~~((5))~~ (3) The employing either directly or indirectly of any person or persons commonly known as "cappers" or "steerers" to obtain business; or

~~((6))~~ (4) To employ any person to solicit from house to house, or to personally solicit from house to house; or

~~((7))~~ The employment of any unlicensed person to perform the work covered by this chapter; or

~~((8))~~ (5) Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or

~~((9))~~ (6) The use of the term "eye specialist" in connection with the name of such optometrist; or

~~((10))~~ For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a manner likely to destroy the accuracy of the work of an optometrist; or

~~((11))~~ Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or

~~((12))~~ For any cause for which the director or board of optometry might refuse to admit a candidate to his examination; or

~~((13))~~ (7) Inability to demonstrate, in a manner satisfactory to the director or the board of optometry, their practical ability to perform any function set forth in RCW 18.53.010 which they utilize in their practice; or

~~((14))~~ For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board).

Sec. 82. Section 7, chapter 144, Laws of 1919 as last amended by section 3, chapter 58, Laws of 1981 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any license issued by the director; or

(2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

(3) To alter with fraudulent intent in any material regard such license; or

(4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or

(5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

~~(6) ((To willfully make any false statements in material regard in an application for an examination before the director, or for a license; or~~

(7)) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of licensing; or

~~((6))~~ (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or

~~((9))~~ (8) To use drugs in the examination of eyes except diagnostic agents, topically applied, known generally as cycloplegics, mydriatics, topical anesthetics, dyes such as fluorescein, and for emergency use only, miotics, which legend drugs a certified optometrist is authorized to purchase, possess and administer; or

~~((8))~~ (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

~~((10))~~ (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

~~((11))~~ (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

~~((12))~~ (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

~~((13))~~ (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

~~((14))~~ (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time; or

~~(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder).~~

Sec. 83, Section 22, chapter 144, Laws of 1919 and RCW 18.53.150 are each amended to read as follows:

Any person violating ~~((any provision of RCW 18.53.010 through 18.53.150 shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than six months, or both))~~ this chapter is guilty of a misdemeanor.

Sec. 84, Section 7, chapter 25, Laws of 1963 as last amended by section 49, chapter 158, Laws of 1979 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

~~(2) (The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.~~

~~(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct, and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of licensing.~~

~~(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.~~

(5)) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

NEW SECTION. Sec. 85. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 144, Laws of 1919, section 3, chapter 69, Laws of 1975 1st ex. sess., section 46, chapter 158, Laws of 1979 and RCW 18.53.020; and

(2) Section 13, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.155.

NEW SECTION, Sec. 86. The repeal of RCW 18.53.020 and the amendment of RCW 18.53.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION, Sec. 87. The following acts or parts of acts are each repealed:

(1) Section 38, chapter 279, Laws of 1984 and RCW 18.54.075;

(2) Section 8, chapter 25, Laws of 1963, section 11, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.080;

(3) Section 10, chapter 25, Laws of 1963 and RCW 18.54.100;

(4) Section 11, chapter 25, Laws of 1963 and RCW 18.54.110; and

(5) Section 12, chapter 25, Laws of 1963 and RCW 18.54.120.

NEW SECTION, Sec. 88. The repeal of RCW 18.54.080 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XII OCULARISTS

NEW SECTION, Sec. 89. A new section is added to chapter 18.55 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 90. The following acts or parts of acts are each repealed:

(1) Section 39, chapter 279, Laws of 1984 and RCW 18.55.065;

(2) Section 6, chapter 101, Laws of 1980 and RCW 18.55.070;

(3) Section 8, chapter 101, Laws of 1980 and RCW 18.55.080;

(4) Section 9, chapter 101, Laws of 1980 and RCW 18.55.090; and

(5) Section 10, chapter 101, Laws of 1980 and RCW 18.55.100.

NEW SECTION, Sec. 91. The repeal of RCW 18.55.070 and 18.55.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XIII OSTEOPATHY

NEW SECTION, Sec. 92. A new section is added to chapter 18.57 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 93. A new section is added to chapter 18.57A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the approval or disapproval of applications and the discipline of persons authorized to practice under this chapter.

Sec. 94. Section 3, chapter 117, Laws of 1979 and RCW 18.57.005 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) ~~To grant, deny, restrict, suspend, or revoke licenses to practice under this chapter;~~

~~(3)) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;~~

~~((4)) (3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;~~

~~((5) To establish rules and regulations fixing standards of professional conduct;~~

~~(6) To adopt such rules as are necessary to establish, administer, and/or delegate a review of each malpractice action filed against a person licensed to practice under this chapter. On the basis of such review, where in its sole discretion, it deems it necessary, take such action as required to protect the public health and safety, including restriction, suspension, or revocation of a license to practice under this chapter; and~~

~~(7)) (4) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.~~

Sec. 95. Section 9, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.030 are each amended to read as follows:

An osteopathic physician's assistant as defined in this chapter may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by the board. An osteopathic physician's assistant shall be subject to discipline by the board under (RCW 18.57-170) the provisions of chapter 18.130 RCW.

Sec. 96. Section 10, chapter 30, Laws of 1971 ex. sess. as last amended by section 57, chapter 7, Laws of 1985 and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's 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 of the osteopathic physician's 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 as provided in RCW 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized 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 ~~(RCW 18.57.188)~~ chapter 34.04 RCW.

Sec. 97. Section 11, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.050 are each amended to read as follows:

No osteopathic physician who uses the services of an osteopathic physician's 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 osteopathic medicine within the meaning of RCW 18.57.080 ~~(or 18.57.030)~~; PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 98. The following acts or parts of acts are each repealed:

- (1) Section 40, chapter 279, Laws of 1984 and RCW 18.57.009;
- (2) Section 14, chapter 4, Laws of 1919, section 16, chapter 199, Laws of 1969 ex. sess. and RCW 18.57.030;
- (3) Section 11, chapter 4, Laws of 1919, section 2, chapter 142, Laws of 1963, section 16, chapter 117, Laws of 1979 and RCW 18.57.170;
- (4) Section 4, chapter 117, Laws of 1979 and RCW 18.57.173;
- (5) Section 5, chapter 117, Laws of 1979 and RCW 18.57.175;
- (6) Section 6, chapter 117, Laws of 1979 and RCW 18.57.177;
- (7) Section 7, chapter 117, Laws of 1979 and RCW 18.57.181;
- (8) Section 8, chapter 117, Laws of 1979 and RCW 18.57.185;
- (9) Section 9, chapter 117, Laws of 1979 and RCW 18.57.195; and
- (10) Section 10, chapter 117, Laws of 1979 and RCW 18.57.205.

NEW SECTION. Sec. 99. The repeal of RCW 18.57.030, 18.57.170, 18.57.175, and 18.57.185 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XIV

#### OCCUPATIONAL THERAPISTS

NEW SECTION. Sec. 100. A new section is added to chapter 18.59 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 101. Section 11, chapter 9, Laws of 1984 and RCW 18.59.100 are each amended to read as follows:

~~((1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for a license has been guilty of conduct which has endangered the health, welfare, or safety of the public. Such conduct includes:~~

~~(a) Obtaining a license by means of fraud or misrepresentation or concealment of material facts;~~

~~(b) Being guilty of unprofessional conduct or gross incompetence as defined by the rules of the board, or violating the code of ethics adopted and published by the board, which shall require that)) An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician or podiatrist licensed to practice medicine in this state((:~~

~~(c) Being convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy;~~

~~(d) Violating an order or rule of the board; or~~

~~(e) Violating any provision of this chapter;~~

~~(2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions on a licensee may be ordered by the board in compliance with chapter 34.04 RCW. One year from the date of revocation of a license, application may be made to the board for~~

reinstatement. The board has discretion to accept or reject an application for reinstatement and may, but is not required to, hold a hearing to consider the reinstatement)).

Sec. 102. Section 14, chapter 9, Laws of 1984 and RCW 18.59.130 are each amended to read as follows:

(1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations of applicants for licensure under this chapter. ~~((The board may issue subpoenas, examine witnesses, and administer oaths and may investigate allegations of practices violating this chapter.))~~

(2) The board ~~((shall adopt rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state in accordance with chapter 34.04 RCW.~~

~~(3) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its functions. The board shall provide at least thirty days' notice in writing to the appropriate persons of the times and places of all hearings authorized under this chapter in such a manner and at such times as it may determine by its rules)) may adopt such rules as it deems necessary in the administration of this chapter.~~

NEW SECTION. Sec. 103. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1984 and RCW 18.59.030;

(2) Section 17, chapter 9, Laws of 1984 and RCW 18.59.140; and

(3) Section 16, chapter 9, Laws of 1984 and RCW 18.59.200.

NEW SECTION. Sec. 104. The repeal of RCW 18.59.030 and 18.59.200 and the amendment of RCW 18.59.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XV PHYSICIANS AND PHYSICIANS' ASSISTANTS

NEW SECTION. Sec. 105. A new section is added to chapter 18.71 RCW to read as follows:  
The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 106. A new section is added to chapter 18.71A RCW to read as follows:  
The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 107. A new section is added to chapter 18.72 RCW to read as follows:  
The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 108. Section 1, chapter 2, Laws of 1983 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, drugless therapeutics 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 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 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 the performance of such services be only pursuant to a regular course of instruction or assignments from his 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 the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such

services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That 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 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 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 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.

Sec. 109. Section 3, chapter 60, Laws of 1957 as last amended by section 7, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.050 are each amended to read as follows:

(1) Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

((+)) (a) That ((he)) the applicant has attended and graduated from a school of medicine approved by the board;

((2)) (b) That ((he)) the applicant has completed one year of postgraduate medical training in a program acceptable to the board;

((3)) (c) That ((he)) the applicant is of good moral character; and

((4)) (d) That ((he)) the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine(;

(5) ~~That his license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that he has not been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington).~~

(2) Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the uniform disciplinary act.

Sec. 110. Section 1, chapter 189, Laws of 1959 as last amended by section 13, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of one year of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board

may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his duties as a resident physician and shall not authorize him to engage in any other form of practice. Each resident physician 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.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW ~~((and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein)).~~

Persons applying for licensure pursuant to this section shall pay an application fee ~~((of twenty-five dollars and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally)) as determined by the director.~~ Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080: PROVIDED, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 111. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 1, chapter 112, Laws of 1983 and RCW 18.71.200 are each amended to read as follows:

(1) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile intensive care paramedic" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services.

Sec. 112. Section 2, chapter 110, Laws of 1973 1st ex. sess. as amended by section 57, chapter 158, Laws of 1979 and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by ~~((a Canadian physician))~~ an individual in this state pursuant to RCW 18.71.030 ~~(5) through (12)~~ shall be ~~((revocable))~~ subject to discipline by order of the ~~((director of licensing))~~ board upon a finding by the ~~((director))~~ board of an act of unprofessional conduct as defined in RCW ~~((18.72.030))~~ 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing and

judicial review as provided licensed physicians generally pursuant to chapters 18.72 and 18.130 RCW.

Sec. 113. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's 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 a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's 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 of the physician's 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 as provided in RCW 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized 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 ~~((RCW 18.71.140))~~ chapter 18.130 RCW.

Sec. 114. Section 5, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.050 are each amended to read as follows:

No physician who uses the services of a physician's 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 ~~((within the meaning of RCW 18.71.020 or 18.72.030(3)))~~; 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 assistant in his employ.

Sec. 115. Section 2, chapter 202, Laws of 1955 and RCW 18.72.020 are each amended to read as follows:

Terms used in this chapter and in RCW 18.71.040(~~;~~) and 18.71.080(~~(-18.71.120, 18.71.140 and 18.71.180 shall))~~) have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the medical disciplinary board.

(2) "License" means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.

(3) "Members" means members of the medical disciplinary board.

(4) "Secretary" means the secretary of the medical disciplinary board.

Sec. 116. Section 15, chapter 202, Laws of 1955 as last amended by section 5, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.150 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To))~~ may adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter(~~:~~

~~(2) To investigate all complaints or reports of unprofessional conduct against any holder of a license and to hold hearings to determine if unprofessional conduct has been committed;~~

~~(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(4) To take or cause depositions to be taken as needed in any investigation or investigative or disciplinary hearing or proceeding;~~

~~(5) To investigate complaints or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action;~~

~~(6) To take emergency action ordering summary suspension of the license of a physician, or restricting or limiting the licensed physician's practice pending proceedings by the board, as authorized by RCW 34.04.170;~~

~~(7) To appoint a hearing officer to conduct hearings subject to final determination by the board;~~

~~(8) To enter into contracts for professional services determined by the board to be necessary;~~

~~(9) To contract with physicians or other persons or organizations to provide services necessary for the monitoring and supervising of physicians and surgeons who are placed on probation, or whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and~~

~~(10) The board shall be subject to the provisions of chapter 34.04 RCW).~~

Sec. 117. Section 15, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.265 are each amended to read as follows:

(1) ~~((The board may adopt regulations requiring any person, including, but not limited to, corporations, hospitals, organizations, and federal, state, or local governmental agencies, to report to the board any conviction, determination, or finding that a licensed physician has committed unprofessional conduct as defined by RCW 18.72.030 as now or hereafter amended, or to report information which indicates that a licensed physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition.~~

~~((2)) The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.~~

~~((3)) Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.~~

~~((4) If any person contumaciously refuses to furnish a required report, the board may petition the superior court of any county in which said person resides or is found, and said court shall issue to such person an order to furnish the required report. Any failure to obey such order shall be punished by the court as a civil contempt may be punished.~~

~~((5)) (2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to ((the regulations outlined in (subsection (1) of this section)) RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended.~~

Sec. 118. Section 2, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.020 are each amended to read as follows:

The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW ~~((18.71.020;))~~ 18.71.200, 18.71.210 and 18.71.220.

NEW SECTION. Sec. 119. The following acts or parts of acts are each repealed:

(1) Section 41, chapter 279, Laws of 1984 and RCW 18.71.018;

(2) Section 14, chapter 192, Laws of 1909, section 8, chapter 134, Laws of 1919, section 3, chapter 284, Laws of 1961, section 18, chapter 199, Laws of 1969 ex. sess., section 1, chapter 305, Laws of 1971 ex. sess., section 3, chapter 171, Laws of 1975 1st ex. sess., section 1, chapter 55, Laws of 1977 and RCW 18.71.020;

(3) Section 10, chapter 284, Laws of 1961, section 4, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.025;

(4) Section 38, chapter 202, Laws of 1955, section 12, chapter 284, Laws of 1961 and RCW 18.71.120;

(5) Section 40, chapter 202, Laws of 1955 and RCW 18.71.140;

(6) Section 17, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.145;

(7) Section 18, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.165; and

(8) Section 44, chapter 202, Laws of 1955, section 14, chapter 171, Laws of 1975 1st ex. sess., section 56, chapter 158, Laws of 1979 and RCW 18.71.180.

NEW SECTION. Sec. 120. The repeal of RCW 18.71.020 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 202, Laws of 1955, section 1, chapter 142, Laws of 1963, section 1, chapter 61, Laws of 1975, section 1, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.030;

(2) Section 9, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.135;

(3) Section 14, chapter 202, Laws of 1955 and RCW 18.72.140;

(4) Section 42, chapter 279, Laws of 1984 and RCW 18.72.153;

(5) Section 16, chapter 202, Laws of 1955, section 8, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.160;

(6) Section 17, chapter 202, Laws of 1955, section 10, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.170;

(7) Section 2, chapter 61, Laws of 1975 and RCW 18.72.175;

(8) Section 18, chapter 202, Laws of 1955 and RCW 18.72.180;

(9) Section 7, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.201;

(10) Section 23, chapter 202, Laws of 1955, section 11, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.230;

(11) Section 24, chapter 202, Laws of 1955, section 12, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.240;

(12) Section 13, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.245;

(13) Section 25, chapter 202, Laws of 1955, section 1, chapter 58, Laws of 1969, section 60, chapter 158, Laws of 1979, section 14, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.250;

(14) Section 26, chapter 202, Laws of 1955 and RCW 18.72.260;

(15) Section 27, chapter 202, Laws of 1955 and RCW 18.72.270;

(16) Section 3, chapter 61, Laws of 1975, section 16, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.275;

(17) Section 28, chapter 202, Laws of 1955 and RCW 18.72.280;

(18) Section 29, chapter 202, Laws of 1955 and RCW 18.72.290;

(19) Section 30, chapter 202, Laws of 1955 and RCW 18.72.300;

(20) Section 32, chapter 202, Laws of 1955 and RCW 18.72.320; and

(21) Section 33, chapter 202, Laws of 1955 and RCW 18.72.330.

NEW SECTION. Sec. 122. The repeal of RCW 18.72.030, 18.72.230, and 18.72.275 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XVI

#### PHYSICAL THERAPY

NEW SECTION. Sec. 123. A new section is added to chapter 18.74 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 124. Section 4, chapter 116, Laws of 1983 and RCW 18.74.023 are each amended to read as follows:

The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.

(3) ~~(To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.~~

~~(4))~~ To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

~~((5))~~ (4) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

~~((6) To establish rules fixing standards of professional conduct.~~

~~(7))~~ (5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

~~((8))~~ (6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

Sec. 125. Section 9, chapter 239, Laws of 1949 as last amended by section 18, chapter 116, Laws of 1983 and RCW 18.74.090 are each amended to read as follows:

A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. ~~(Any person who practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor. PROVIDED, That)~~ Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

NEW SECTION. Sec. 126. The following acts or parts of acts are each repealed:

(1) Section 43, chapter 279, Laws of 1984 and RCW 18.74.028;

(2) Section 8, chapter 239, Laws of 1949, section 7, chapter 64, Laws of 1961, section 13, chapter 116, Laws of 1983 and RCW 18.74.080;

(3) Section 15, chapter 116, Laws of 1983 and RCW 18.74.082;

(4) Section 14, chapter 116, Laws of 1983 and RCW 18.74.084;

(5) Section 16, chapter 116, Laws of 1983 and RCW 18.74.086;

(6) Section 17, chapter 116, Laws of 1983 and RCW 18.74.088; and

(7) Section 10, chapter 239, Laws of 1949, section 20, chapter 116, Laws of 1983 and RCW 18.74.100.

NEW SECTION. Sec. 127. The repeal of RCW 18.74.080, 18.74.082, and 18.74.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVII  
PRACTICAL NURSES

NEW SECTION. Sec. 128. A new section is added to chapter 18.78 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 129. Section 5, chapter 222, Laws of 1949 as last amended by section 6, chapter 55, Laws of 1983 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement. ~~((The board or an administrative law judge appointed under chapter 34.12 RCW may conduct hearings for the suspension or revocation of licenses.))~~

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

Sec. 130. Section 7, chapter 222, Laws of 1949 as amended by section 9, chapter 55, Laws of 1983 and RCW 18.78.070 are each amended to read as follows:

~~((The director may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed as a licensed practical nurse by examination under the laws of another state.))~~ An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board.

Sec. 131. Section 10, chapter 222, Laws of 1949 as last amended by section 66, chapter 7, Laws of 1985 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW 43.24.086. Any failure to register and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086 ~~((together with all delinquent license renewal fees)).~~

NEW SECTION. Sec. 132. The following acts or parts of acts are each repealed:

- (1) Section 44, chapter 279, Laws of 1984 and RCW 18.78.053;
- (2) Section 13, chapter 55, Laws of 1983 and RCW 18.78.135;
- (3) Section 14, chapter 55, Laws of 1983 and RCW 18.78.145;
- (4) Section 20, chapter 55, Laws of 1983 and RCW 18.78.155;
- (5) Section 18, chapter 55, Laws of 1983 and RCW 18.78.165;
- (6) Section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967, section 16, chapter 55, Laws of 1983 and RCW 18.78.170;
- (7) Section 7, chapter 79, Laws of 1967, section 17, chapter 55, Laws of 1983 and RCW 18.78.175; and
- (8) Section 8, chapter 222, Laws of 1949 (uncodified).

NEW SECTION. Sec. 133. The repeal of RCW 18.78.135 and 18.78.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVIII  
PSYCHOLOGY

NEW SECTION. Sec. 134. A new section is added to chapter 18.83 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 135. Section 13, chapter 305, Laws of 1955 as last amended by section 84, chapter 279, Laws of 1984 and RCW 18.83.120 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, within the meaning of this chapter unethical practice of psychology shall include ~~((any act or practice which violates the codes of ethics established by the board. In addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption; relating to the practice of psychology; whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is~~

the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.

~~(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.~~

~~(3) Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.~~

~~(4) Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.~~

~~(5) Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.~~

~~(6)):~~

~~(1) Violation of any state statute or administrative code specifically governing the practice of psychology((:~~

~~(7) Failure to cooperate with the committee by:~~

~~(a) Not furnishing any papers or documents requested by the committee;~~

~~(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;~~

~~(c) Not appearing before the committee at the time and place designated; or~~

~~(d) Not properly responding to subpoenas issued by the committee.~~

~~(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.~~

~~(9) Aiding or abetting an unlicensed person to practice when a license is required.~~

~~(10))): and~~

~~(2) Gross, wilful, or continued overcharging for professional services.~~

~~((11) Wilful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.~~

~~(12) Practice beyond the scope of practice as defined by law.~~

~~(13) Misrepresentations or fraud in any aspect of the conduct of the profession.~~

~~(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.~~

~~(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health.~~

~~(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service.~~

~~(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.~~

~~(18) Physically abusing or having sexual contact with a patient or client.~~

~~(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.~~

~~(20) The wilful betrayal of a professional secret.~~

~~(21) Violation of chapter 19.68 RCW.))~~

Sec. 136. Section 12, chapter 305, Laws of 1955 as last amended by section 85, chapter 279, Laws of 1984 and RCW 18.83.130 are each amended to read as follows:

The board ~~((shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology.)) may take disciplinary action under RCW 18.130.160 for the following reasons:~~

~~(1) ((Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.~~

~~(2)) Failing to maintain the confidentiality of information under RCW 18.83.110.~~

~~((3)) (2) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.~~

~~((4)) (3) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.~~

~~((5)) (4) Practicing in an area of psychology for which the person is clearly untrained or incompetent.~~

~~((6) Being negligent in the practice of psychology.~~

~~(7)) (5) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.~~

~~((8)) (6) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.~~

~~((9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.~~

~~(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee:~~

~~(11) Unprofessional conduct as defined in chapter 19.68 RCW;~~

~~(12) Willful violation of RCW 18.83-120 or section 79 of this 1984 act or willful disregard of the subpoena or notice of the disciplinary committee;~~

~~(13) Failure to abide by the terms of corrective actions directed under RCW 18.83-150;~~

~~(14) Violation of any board rule fixing a standard of professional conduct;))~~

Sec. 137. Section 86, chapter 279, Laws of 1984 and RCW 18.83.135 are each amended to read as follows:

The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

In addition to the authority prescribed under RCW 18.130.050, the committee shall have the following authority:

~~(1) (To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;~~

~~(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;~~

~~(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;~~

~~(4) To compel attendance of witnesses at hearings;~~

~~(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;~~

~~(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;~~

~~(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings; however, the disciplining authority shall make the final decision regarding disposition of the license;~~

~~(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;~~

~~(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;~~

~~(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;~~

~~(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;~~

~~(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~

~~(13)) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee; and~~

~~((14)) (2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged;((~~

~~(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:~~

~~(a) The person or agency initiating the action;~~

~~(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and~~

~~(c) The public.~~

~~This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW or is otherwise privileged or confidential.~~

~~The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions).~~

Sec. 138. Section 89, chapter 279, Laws of 1984 and RCW 18.83.155 are each amended to read as follows:

The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

~~((in the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal:~~

~~If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exonerated of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary:))~~

Sec. 139. Section 18, chapter 305, Laws of 1955 as amended by section 18, chapter 70, Laws of 1965 and RCW 18.83.180 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked.

NEW SECTION, Sec. 140. The following acts or parts of acts are each repealed:

(1) Section 45, chapter 279, Laws of 1984 and RCW 18.83.053;

(2) Section 88, chapter 279, Laws of 1984 and RCW 18.83.145;

(3) Section 90, chapter 279, Laws of 1984 and RCW 18.83.161; and

(4) Section 91, chapter 279, Laws of 1984 and RCW 18.83.165.

#### PART XIX

#### REGISTERED NURSES

NEW SECTION, Sec. 141. A new section is added to chapter 18.88 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 142. Section 27, chapter 202, Laws of 1949 as amended by section 26, chapter 133, Laws of 1973 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

(2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; or

(3) ~~((Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;~~

~~(4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;~~

~~(5) Practice as a registered nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and~~

~~(6)) Otherwise violate any of the provisions of this chapter.~~

NEW SECTION, Sec. 143. The following acts or parts of acts are each repealed:

(1) Section 46, chapter 279, Laws of 1984 and RCW 18.88.085;

(2) Section 21, chapter 202, Laws of 1949 and RCW 18.88.210;

(3) Section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230;

(4) Section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240;

(5) Section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250;

(6) Section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; and

(7) Section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265.

NEW SECTION, Sec. 144. The repeal of RCW 18.88.230 and the amendment of RCW 18.88.270 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

## PART XX

## VETERINARY MEDICINE

NEW SECTION, Sec. 145. A new section is added to chapter 18.92 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 146. Section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 102, Laws of 1983 and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. ~~((The board shall supervise the conduct of those practicing veterinary medicine, surgery, and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension, or revocation of licenses: it shall be the duty of the board to adopt a code of professional conduct for the practice of the veterinary profession in this state:))~~ The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The department shall be the official office of record.

~~((The board shall have the power to conduct all hearings pertaining to violations of this chapter and may impose appropriate sanctions on licensees or registrants following a hearing: The hearings may be conducted by an administrative law judge appointed under chapter 34.12 RCW:))~~

Sec. 147. Section 6, chapter 71, Laws of 1941 as last amended by section 3, chapter 134, Laws of 1982 and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery, and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery, and dentistry in the state of Washington, the applicant for such license shall file his or her application at least sixty days prior to date of examination upon a form furnished by the director of licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he or she is at least eighteen years of age and of good moral character, and by official transcripts or other evidence of graduation from a veterinary college satisfactory to and approved by the board. Said application shall be signed by the applicant and sworn to by him or her before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination. ~~((PROVIDED; HOWEVER, That the director of licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license))~~. In addition, applicants shall be subject to grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program as determined by the board, in a veterinary college recognized by the board, to take the examination or any part thereof prior to satisfying the requirements for application for a license: PROVIDED HOWEVER, That no license shall be issued to such applicant until such requirements are satisfied.

Sec. 148. Section 11, chapter 124, Laws of 1907 as last amended by section 8, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.120 are each amended to read as follows:

Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

Sec. 149. Section 6, chapter 44, Laws of 1974 ex. sess. as amended by section 5, chapter 102, Laws of 1983 and RCW 18.92.125 are each amended to read as follows:

No veterinarian who uses the services of an animal technician shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine ~~((within the meaning of RCW 18.92.160))~~. A veterinarian shall retain professional and personal responsibility for any

act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

NEW SECTION. Sec. 150. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 102, Laws of 1983 and RCW 18.92.033;
- (2) Section 47, chapter 279, Laws of 1984 and RCW 18.92.045;
- (3) Section 2, chapter 71, Laws of 1941 and RCW 18.92.050;
- (4) Section 13, chapter 71, Laws of 1941, section 1, chapter 157, Laws of 1961, section 10, chapter 50, Laws of 1967 ex. sess., section 7, chapter 44, Laws of 1974 ex. sess., section 8, chapter 102, Laws of 1983 and RCW 18.92.160;
- (5) Section 14, chapter 71, Laws of 1941, section 11, chapter 92, Laws of 1959, section 11, chapter 50, Laws of 1967 ex. sess., section 24, chapter 67, Laws of 1981, section 9, chapter 102, Laws of 1983 and RCW 18.92.180;
- (6) Section 15, chapter 71, Laws of 1941, section 63, chapter 81, Laws of 1971 and RCW 18.92.210;
- (7) Section 22, chapter 71, Laws of 1941 and RCW 18.92.220; and
- (8) Section 14, chapter 92, Laws of 1959 and RCW 18.92.235.

NEW SECTION. Sec. 151. The repeal of RCW 18.92.050, 18.92.160, and 18.92.180 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XXI

##### MESSAGE OPERATORS

NEW SECTION. Sec. 152. A new section is added to chapter 18.108 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 153. The following acts or parts of acts are each repealed:

- (1) Section 48, chapter 279, Laws of 1984 and RCW (1) Section 48, chapter 279, Laws of 1984 and RCW 18.108.075;
- (2) Section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; and
- (3) Section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170.

NEW SECTION. Sec. 154. The repeal of RCW 18.108.080 and 18.108.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XXII

##### MISCELLANEOUS

Sec. 155. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 60, chapter 279, Laws of 1984 and section 79, chapter 287, Laws of 1984 and RCW 43.24.110 are each reenacted and amended to read as follows:

Whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee.

The decision of any three members of such committee shall be the decision of the committee.

The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060.

Sec. 156. Section 3, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.150 are each amended to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct (~~as defined in RCW 18.57.170 and 18.72.030~~).

Sec. 157. Section 2, chapter 50, Laws of 1981 and RCW 70.54.190 are each amended to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfoxide) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ~~(as defined in RCW 18.57-170 and 18.72-030)~~.

NEW SECTION, Sec. 158. The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes.

The legislature finds and declares therefore that the requirements of this chapter for registering counselors and hypnotherapists, for providing the new clients of counselors with information that will assist them in making informed consumer decisions, and for the protection of consumers from any unethical or deceptive practices that may be destructive to the mental or emotional health of the client, are necessary for the protection of the public health, safety, and welfare.

It is the intent and purpose of this chapter to protect the public by setting minimal standards of qualification, education, training, and experience for professional social workers, mental health counselors, and marriage and family therapists, at the masters degree level. By promoting high standards of professional performance, by requiring professional accountability, and by certifying those persons who seek to practice under the title of certified master of social work, mental health counselor, or marriage and family therapist, this chapter provides a means of identifying those professionals who have achieved a particular level of competency.

The legislature finds and declares that this chapter is in conformity with the guidelines, terms, and definitions for the regulation of health or health-related professions specified in chapter 18.120 RCW and with the recommendations issued by the state health coordinating council and the department of licensing.

This chapter shall not be construed as an endorsement of, nor does it warrant, the effectiveness or appropriateness of any counseling discipline, theory, technique, or treatment of any individual registered or certified under this chapter, nor shall it be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered or certified under this chapter, nor shall it prohibit the provision of those benefits by individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization.

NEW SECTION, Sec. 159. No person may practice counseling or hypnotherapy or represent oneself as a counselor or hypnotherapist by use of any title or description without being registered to practice by the department of licensing pursuant to this chapter unless exempted under section 161 of this act.

NEW SECTION, Sec. 160. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to section 173 of this act.

(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to section 171 of this act.

(3) "Certified social worker" means a person certified to practice social work pursuant to section 169 of this act.

(4) "Client" means an individual who receives or participates in counseling, group counseling, or hypnotherapy, or who receives or participates in family counseling whether or not he or she has been identified as a client.

(5) "Counseling" means employing any therapeutic techniques for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes techniques to achieve sensitivity and awareness of self and others and the development of human potential.

(6) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

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

(8) "Director" means the director of the department or the director's designee.

(9) "Hypnotherapist" means an individual who practices by means of:

(a) The induction of the hypnotic state in clients to increase motivation or alter behavioral patterns through the use of hypnosis, which includes but is not limited to direct and indirect methods of induction, waking hypnosis, verbal, subverbal, or nonverbal techniques of trance management;

(b) Consultation with clients to determine nature of problems;

(c) Preparing clients to enter hypnotic state by examining to determine the degree of physical and emotional suggestibility;

(d) The induction of the hypnotic state in clients using individualized methods and techniques of hypnosis based on interpretation of test results and the analysis of the clients' problems; and

(e) The training of clients in self-hypnosis conditioning.

**NEW SECTION.** Sec. 161. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling or hypnotherapy incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal or state agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling or hypnotherapy by a person under the auspices and authority of any established or legally cognizable church or religious denomination if the activities and services are within the scope of the performance of the person's ministerial duties, as long as the person rendering the services remains accountable to the established authority thereof, where such authority exists;

(4) The practice of counseling or hypnotherapy by a person without charge as long as the person does not represent oneself to the public as a counselor;

(5) The practice of counseling or hypnotherapy by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling or hypnotherapy for a fee when approved by the organizations or agencies for whom they render their services;

(6) The practice of religion by persons who rely solely on spiritual means through prayer for healing in accordance with the tenets and practices of any established or legally cognizable church or religious denomination;

(7) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies.

**NEW SECTION.** Sec. 162. (1) In addition to any other authority provided by law, the director has the following authority:

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

(b) To set all certification, registration, and renewal fees in accordance with RCW 43.24.086 and to collect and deposit all such fees in the health professions account established under RCW 43.24.072;

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

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration;

(f) To set educational, ethical, and professional standards of practice for certification;

(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;

(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;

(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;

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

(k) To set competence requirements for maintaining certification.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and registrations and the discipline of certified practitioners and registrants under this chapter. The director shall be the disciplining authority under this chapter.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors registered or certified under this chapter and the rights of clients established under this chapter.

(4) The department may be advised on the registration responsibilities under this chapter by an advisory committee composed of persons registered under this chapter.

**NEW SECTION.** Sec. 163. The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration or certification under this chapter, with the result of each application.

NEW SECTION. Sec. 164. The director shall issue a registration to any applicant who submits, on forms provided by the director, the applicant's name, address, occupational title, name and location of business and other information as determined by the director, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration may register as either counselors or hypnotherapists if employing hypnosis as a modality of practice. Applicants may, in addition, provide a description of their therapeutic orientation, discipline, theory, or technique in connection with such title. Where private organizations or agencies organized for the purpose of counseling employ counselors or volunteers who counsel and who are accountable to those organizations or agencies, such organizations or agencies may apply for registration in lieu of such counselors if the names of all such counselors are submitted as part of the application. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086, which shall accompany the application.

NEW SECTION. Sec. 165. The director shall establish by rule the procedural requirements and fees for renewal of registrations. Failure to renew shall invalidate the registration and all privileges granted by the registration. Subsequent registration will require application and payment of a fee as determined by the director under RCW 43.24.086.

NEW SECTION. Sec. 166. The following conduct, acts, or conditions constitute unprofessional conduct for persons registered or certified or applicants for registration or certification under this chapter and are grounds for discipline under RCW 18.130.160:

- (1) Unprofessional conduct as defined in the uniform disciplinary act, RCW 18.130.180;
- (2) Impaired ability to practice as described in RCW 18.130.170;
- (3) Failure to report information required by law;
- (4) Failure to refer clients to an appropriate health care professional if services needed are beyond the competency of the certificate holder; and
- (5) Violations of this chapter.

The private activities of individuals registered or certified under this chapter or applicants for registration or certification shall not furnish grounds for disciplinary action unless the actions affect the individual's practice.

NEW SECTION. Sec. 167. Before performing any practice with voluntary clients, persons registered or certified under this chapter shall provide their clients with an accurate disclosure statement for the purpose of informed choice, in accordance with rules promulgated by the director, containing the following information:

(1) Registration or certification under this chapter is not to be construed as an endorsement of, nor does it warrant, the effectiveness or appropriateness of any counseling discipline, theory, technique, or course of treatment, nor necessarily imply the competence of any person registered or certified under this chapter.

(2) Personal information regarding the person registered or certified under this chapter:

- (a) Name, business address, registration number, and phone number at which the person can be reached during regular business hours;
- (b) Any relevant education, training, and experience; and
- (c) Explanation of therapeutic orientation and areas of specialization.

(3) Proposed course of treatment, including:

- (a) Type, length, and timing of sessions;
- (b) Special techniques employed;
- (c) Method of establishing the goals, including the client's level of participation in developing the goals and the client's progress towards them;
- (d) Financial arrangements and requirements, including: Charges per session, policy regarding scheduled sessions missed, other anticipated charges, and terms of payment.

(4) List of acts of unprofessional conduct subject to discipline and the address and phone number for referring complaints, if any, to the department.

(5) The legal right to refuse any part of treatment.

(6) The complete disclosure of the limits of confidentiality as prescribed by section 168 of this act.

(7) Such other information as the director may determine by rule.

The person registered or certified under this chapter shall sign the statement, procure the dated signature of the client, and deliver a copy to the client. If the client is a minor or otherwise incompetent, the statement shall be signed by, and a copy delivered to, the parent or other legal guardian of the client, except where such disclosure is prevented by law, or when the minor has requested confidentiality and in the best judgment of the person registered or certified under this chapter such disclosure would unreasonably interfere with the course of treatment.

In inpatient settings, the health facility shall provide its clients with the disclosure statement at the commencement of any program of treatment, and shall post the statement in a conspicuous location accessible to the client.

NEW SECTION. Sec. 168. An individual registered or certified under this chapter shall not disclose any information acquired from persons consulting the individual in a professional

capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person registered or certified under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered or certified under this chapter indicates that the minor was the victim or subject of a crime, the person registered or certified may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) When a person registered or certified under this chapter is consulting another professional for the purpose of information and guidance in their therapeutic work;

(5) If the person waives the privilege by bringing charges against the person registered or certified under this chapter; or

(6) In response to a subpoena from a court of law or the director. The director may subpoena only records related to a complaint or report under chapter 18.130 RCW.

**NEW SECTION.** Sec. 169. (1) No person may represent oneself as a certified social worker or describe one's activity as certified social work without first applying for and receiving a certificate from the department in accordance with this chapter.

(2) "Certified social work practice" involves the professional application of social work values, principles, and methods by individuals trained in accredited social work graduate programs and requires knowledge of human development and behavior, knowledge of social systems and social resources, an adherence to the social work code of ethics, and knowledge of and sensitivity to ethnic minority populations. It includes, but is not necessarily limited to, evaluation and assessment, consultation, psychotherapy and counseling, prevention and educational services, administration, policy-making, research, and education directed toward client services.

(3) Qualifications for certification of a social worker are:

(a) A minimum of a master's degree from an accredited graduate school of social work which is approved by the director;

(b) A minimum of two years of post-master's degree social work practice under the supervision of a certified social worker under this chapter or a person deemed acceptable to the director, such experience consisting of at least thirty hours per week for two years or at least twenty hours per week for three years; and

(c) Successful completion of the examination identified in section 162(1)(g) of this act, unless the applicant qualifies under an exemption pursuant to subsection (4) or (5) of this section.

Applicants shall be subject to the grounds for denial or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Upon receiving a written application, evidence of qualification, and the required fee, the director may issue a certificate to practice without examination to an applicant who is currently credentialed as a social worker under the laws of another state, territory, or foreign country so long as the requirements of the other jurisdiction are substantially similar to the requirements of this chapter.

(5) Except as provided in subsection (6) of this section, an applicant is exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after the effective date of this act:

(a) The applicant shall establish to the satisfaction of the director that he or she has been engaged in the practice of social work as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in social work from an accredited graduate school of social work or, if obtained before January 1, 1954, comparable and equivalent educational attainment as determined by the director in consultation with the advisory committee; and (ii) two years of postgraduate social work experience under the supervision of a social worker who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the director.

(6) A person certified under this chapter who is or desires to be temporarily retired from the practice of social work in this state shall send written notice to the director. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in practice as a certified social worker in this state. In order to resume practice, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the director may require.

**NEW SECTION.** Sec. 170. (1) Within ninety days of the effective date of this act, the director shall appoint a social worker advisory committee composed of five members, one member

initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, all appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

The director may remove any member for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(2) The social work advisory committee shall meet at the times and places designated by the director and shall hold meetings during the year as necessary to provide advice to the director concerning the administration of section 169 of this act. The committee shall elect a chair and a secretary from among its members, who shall have a one-year term or until a successor is elected.

Each member of the committee shall be reimbursed for travel expenses necessarily incurred while engaged in the authorized business of the committee as provided in RCW 43.03.050 and 43.03.060. In addition, members of the committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(3) (a) Members of the advisory committee shall be residents of this state. The committee shall include:

- (i) Four persons qualified under section 169 of this act; and
- (ii) One person who is a member of the public.

(b) Except for the public member, the initial members of the board shall be presumed to be eligible for certification and, after the effective date of this chapter, shall be certified.

**NEW SECTION, Sec. 171.** (1) No person may represent himself or herself as a certified mental health counselor by title or description without first applying for and receiving a certificate from the department in accordance with this chapter.

(2) "Certified mental health counselor" means a person certified under this section who is trained in mental health counseling, with emphasis on individual and group mental health counseling, designed to assist individuals and groups in achieving more effective personal, interpersonal, social, educational, and vocational development and adjustment, and who renders or offers to render mental health counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for a fee, monetary or otherwise, implying that he or she is certified and trained, experienced, or expert in mental health counseling and who holds a certificate to practice mental health counseling. The "practice of a certified mental health counselor" involves the rendering or offering to render to individuals, groups, organizations, corporations, institutions, government agencies, or the general public a mental health counseling service emphasizing a "wellness" model rather than an "illness" model in the application of therapeutic or psychotherapeutic principles, methods, or procedures of mental health counseling to assist the client in achieving effective personal, organizational, institutional, social, educational, vocational development and adjustment and to assist the client in achieving independence and autonomy in the helping relationship.

(3) (a) A certificate to practice mental health counseling shall be granted upon completion of the following requirements:

(i) The award of a master's or doctoral degree in mental health counseling or a related field from an accredited school;

(ii) Completion of at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in both subject content and extent of training;

(iii) Postgraduate supervised mental health counseling practice which meets standards established by the director; and

(iv) Qualification by an examination, submission of all necessary documents, and payment of required fees.

(b) No applicant may come before the director for examination without the initial educational and supervisory credentials as required by this chapter, except applicants completing an accredited master's or doctoral degree program in mental health counseling or a related field within eighteen months of the effective date of this act may qualify for the examination.

(4) For one year beginning on the effective date of this act, a person may apply for certification without examination, however if the applicant's credentials are not adequate to establish competence to the director's satisfaction, the director may require an examination of the applicant during the initial certification period. For the initial certification period, an applicant shall:

(a) Submit a completed application as required by the director, who may require that the statements on the application be made under oath, and accompanied by the application fee set by the director;

(b) Have:

(i) A master's or doctoral degree in counseling or a related field from an accredited school; and

(ii) Twenty-four months of postgraduate professional experience working in a mental health counseling setting that meets the requirements established by the director; or

(c) Within six months, have submitted a completed application as required by the director accompanied by the application fee set by the director and a request for waiver from the

requirements of (b) of this subsection, with documentation to show that the applicant has alternative training and experience equivalent to formal education and supervised experience required for certification.

**NEW SECTION, Sec. 172.** (1) Within ninety days of the effective date of this act, the director shall appoint an advisory committee for mental health counseling composed of five members, consisting of four members trained in the practice of mental health counseling and one public member. The members of the committee, other than the public member, are presumed to be eligible for certification and, after certification is established, must be certified under section 171 of this act. Initially, two members shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Thereafter, appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

The director may remove any member from the committee for neglect of duty required by law or for cause as specified by rule. In the case of a vacancy, the director shall within forty-five days appoint a replacement to serve the remainder of the unexpired term. Members of the committee shall be residents of the state.

(2) The advisory committee shall meet at the times and places designated by the director and shall hold meetings during the year as necessary to advise the director concerning the administration of section 171 of this act. At the committee's organizational meeting, the committee shall elect a chair and a secretary from the members of the committee who shall serve a one-year term or until a successor is elected.

Each member of the advisory committee shall be reimbursed for travel expenses necessarily incurred while engaged in the authorized business of the advisory committee as provided in in RCW 43.03.050 and 43.03.060. In addition, members of the advisory committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the advisory committee.

**NEW SECTION, Sec. 173.** (1) No person may represent oneself as a certified marriage and family therapist or describe one's activity as certified marriage and family therapy, without first applying for and receiving a certificate from the department in accordance with this chapter.

(2) "The practice of marriage and family therapy" involves: (a) The assessment and treatment of impaired marriage or family relationships including, but not limited to, premarital and postdivorce relationships; and (b) the enhancement of marital and family relationships via use of educational, sociological, and psychotherapeutic theories and techniques.

(3) The department shall issue a certificate to practice marriage and family therapy to an applicant upon submission of all necessary documents, payment of required fees, and completion of one of the following sets of qualifications:

(a) (i) A masters or doctoral degree in marriage and family therapy or its equivalent from an accredited school which shows evidence of the following coursework: (A) Marriage and family systems, (B) marriage and family therapy, (C) individual development, (D) assessment of psychopathology, (E) human sexuality, (F) research methods, (G) professional ethics and laws, and (H) a minimum of one year in the practice of marriage and family therapy under the supervision of a qualified marriage and family therapist;

(ii) Two years of postgraduate practice of marriage and family therapy under the supervision of a qualified marriage and family therapist; and

(iii) Passing scores on both written and oral examinations administered by the department for marriage and family therapists.

(b) Or in the alternative:

(i) Current credentialing as a marriage and family therapist in any state with requirements for certification substantially equivalent to those required by this chapter; and

(ii) A masters or doctoral degree in marriage and family therapy or its equivalent plus two years of postgraduate practice of marriage and family therapy.

(c) Or in the alternative, an applicant enrolled in an accredited master's or doctoral degree program in marriage and family therapy or its equivalent to be completed within eighteen months of the effective date of this act may qualify for the examination.

(4) Upon receiving a written application, evidence of qualification, and the required fee, the director may issue a certificate to practice without examination to an applicant who is currently certified or licensed as a marriage and family therapist under the laws of another state, territory, or foreign country so long as the requirements of the other jurisdiction are substantially similar to the requirements of this chapter.

(5) Except as provided in subsection (6) of this section, an applicant is exempt from the examination provisions of this section under the following conditions if application for exemption is made within twelve months after the effective date of this act:

(a) The applicant shall establish to the satisfaction of the director that he or she has been engaged in the practice of marriage and family therapy as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in marriage and family therapy or its equivalent from an accredited graduate school;

and (ii) two years experience under the supervision of a marriage and family therapist who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the director.

(6) A person certified under this section who is or desires to be temporarily retired from the practice of marriage and family therapy in this state shall send written notice to the director. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in practice as a certified marriage and family counselor in this state. In order to resume practice, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the director may require.

**NEW SECTION.** Sec. 174. (1) Within ninety days of the effective date of this act, the director shall appoint a marriage and family advisory committee composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, all appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

The director may remove any member for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(2) The marriage and family advisory committee shall meet at the times and places designated by the director and shall hold meetings during the year as necessary to advise the director on the administration of section 173 of this act. The committee shall elect a chair and a secretary from among its members, who shall have a one-year term or until a successor is elected.

Each member of the committee shall be reimbursed for travel expenses necessarily incurred while engaged in the authorized business of the committee as provided in RCW 43.03.050 and 43.03.060. In addition, members of the committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(3) (a) Members of the advisory committee shall be residents of this state. The committee shall include:

(i) Four persons qualified under section 173 of this act; and

(ii) One person who is a member of the public.

(b) Except for the public member, the initial members of the board shall be presumed to be eligible for certification and, after the effective date of this chapter, shall be certified.

**NEW SECTION.** Sec. 175. A certificate issued under this chapter shall be renewed as determined by the director who may establish rules governing continuing competence requirements. An additional fee may be set by the director as a renewal requirement when certification has lapsed due to failure to renew prior to the expiration date.

**NEW SECTION.** Sec. 176. (1) The date and location of the examinations required under this chapter shall be established by the director. Applicants who have been found by the director to meet the other requirements for certification will be scheduled for the next examination following the filing of the application. However, the applicant will not be scheduled for any examination taking place sooner than sixty days after the application is filed.

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

(3) The examination papers, all grading thereon, and the grading of any practical work shall be preserved for a period of not less than one year after the director has published the results. All examinations shall be conducted by the director by means of fair and wholly impartial methods.

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

(5) The director may approve an examination prepared or administered, or both, by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirement.

**NEW SECTION.** Sec. 177. Applications for certification shall be submitted on forms provided by the director. The director may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086, which shall accompany the application. The department shall not knowingly permit access to or use of its mailing list of certificate holders for commercial purposes.

**NEW SECTION.** Sec. 178. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW.

**NEW SECTION.** Sec. 179. This chapter shall be known as the omnibus credentialing act for counselors.

Sec. 180. Section 3, chapter ... (SHB 482), Laws of 1985 and RCW 18.120.020 are each amended to read as follows:

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

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

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

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

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; and massage practitioners under chapter 18.108 RCW; and registered counselors or hypnotherapists, certified social workers, certified mental health counselors, and certified marriage and family therapists under chapter 18.-- RCW (sections 158 through 179 of this 1985 act).

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

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

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

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

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

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

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

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

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

Sec. 181. Section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 97, Laws of 1984 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, certified social worker, certified mental health counselor, certified marriage and family therapist, registered counselor, hypnotherapist, clergy, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he 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 seven days after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime has been committed.

NEW SECTION. Sec. 182. Sections 158 through 179 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 183. A new section is added to chapter 43.131 RCW to read as follows: The omnibus credentialing act for counselors under chapter 18.\_\_\_\_ RCW (sections 158 through 179 of this act) shall be terminated June 30, 1991.

NEW SECTION. Sec. 184. 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, 1992.

- (1) Section 158 of this act and RCW 18.\_\_\_\_;
- (2) Section 159 of this act and RCW 18.\_\_\_\_;
- (3) Section 160 of this act and RCW 18.\_\_\_\_;
- (4) Section 161 of this act and RCW 18.\_\_\_\_;
- (5) Section 162 of this act and RCW 18.\_\_\_\_;
- (6) Section 163 of this act and RCW 18.\_\_\_\_;
- (7) Section 164 of this act and RCW 18.\_\_\_\_;
- (8) Section 165 of this act and RCW 18.\_\_\_\_;
- (9) Section 166 of this act and RCW 18.\_\_\_\_;
- (10) Section 167 of this act and RCW 18.\_\_\_\_;
- (11) Section 168 of this act and RCW 18.\_\_\_\_;
- (12) Section 169 of this act and RCW 18.\_\_\_\_;
- (13) Section 170 of this act and RCW 18.\_\_\_\_;
- (14) Section 171 of this act and RCW 18.\_\_\_\_;
- (15) Section 172 of this act and RCW 18.\_\_\_\_;
- (16) Section 173 of this act and RCW 18.\_\_\_\_;
- (17) Section 174 of this act and RCW 18.\_\_\_\_;
- (18) Section 175 of this act and RCW 18.\_\_\_\_;
- (19) Section 176 of this act and RCW 18.\_\_\_\_;
- (20) Section 177 of this act and RCW 18.\_\_\_\_;
- (21) Section 178 of this act and RCW 18.\_\_\_\_; and
- (22) Section 179 of this act and RCW 18.\_\_\_\_.

NEW SECTION. Sec. 185. There is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1987, the sum of eight hundred eighty-five thousand nine hundred fifty-eight dollars, or so much thereof as may be necessary, to carry out the purposes of sections 158 through 179 of this act.

NEW SECTION. Sec. 186. 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 beginning on line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 18.130.010, 18.130.020, 18.130.040, 18.130.070, 18.130.080, 18.130.090, 18.130.130, 18.130.160, 18.130.170, 18.130.180, 18.130.190, 18.130.200, 18.130.210, 18.130.900, 18.22.015, 18.25.017, 18.25.090, 18.26.030, 18.26.110, 18.32.085, 18.32.290, 18.32.360, 18.32.390,

18.32.500, 18.32.520, 18.32.530, 18.32.640, 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.130, 18.39.130, 18.39.145, 18.39.148, 18.39.150, 18.39.175, 18.39.181, 18.39.231, 18.39.260, 18.39.280, 18.39.290, 18.39.300, 18.39.320, 18.39.330, 18.53.030, 18.53.100, 18.53.140, 18.53.150, 18.54.070, 18.57.005, 18.57A.030, 18.57A.040, 18.57A.050, 18.59.100, 18.59.130, 18.71.030, 18.71.050, 18.71.095, 18.71.200, 18.71.230, 18.71A.040, 18.71A.050, 18.72.020, 18.72.150, 18.72.265, 18.73.020, 18.74.023, 18.74.090, 18.78.050, 18.78.070, 18.78.090, 18.83.120, 18.83.130, 18.83.135, 18.83.155, 18.83.180, 18.88.270, 18.92.030, 18.92.070, 18.92.120, 18.92.125, 70.54.150, 70.54.190, 18.120.020, and 26.44.030; reenacting and amending RCW 43.24.110; adding a new chapter to Title 18 RCW; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.72 RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.130 RCW; adding new sections to chapter 43.131 RCW; creating new sections; repealing RCW 18.130.030, 18.22.016, 18.22.017, 18.22.020, 18.22.141, 18.22.151, 18.22.215, 18.25-010, 18.25.018, 18.25.050, 18.26.027, 18.26.035, 18.26.037, 18.26.100, 18.26.120, 18.26.130, 18.26.140, 18.26.150, 18.26.160, 18.26.170, 18.26.180, 18.26.180, 18.26.190, 18.26.200, 18.26.210, 18.26.220, 18.26.230, 18.26.240, 18.26.250, 18.26.270, 18.26.280, 18.26.290, 18.26.300, 18.26.310, 18.29.010, 18.29.075, 18.29.080, 18.29.090, 18.32.038, 18.32.055, 18.32.080, 18.32.090, 18.32.230, 18.32.380, 18.32.535, 18.32.540, 18.32.550, 18.32.630, 18.32.650, 18.32.660, 18.32.670, 18.32.680, 18.32.690, 18.32.700, 18.32.710, 18.32.720, 18.32.730, 18.32.740, 18.32.750, 18.32.760, 18.32.770, 18.32.780, 18.34.090, 18.34.100, 18.34.135, 18.34.140, 18.34.150, 18.35.173, 18.36.135, 18.36.140, 18.36.150, 18.39.176, 18.39.179, 18.39.223, 18.39.225, 18.39.310, 18.39.340, 18.50.100, 18.50.120, 18.50.125, 18.53.020, 18.53.155, 18.54.075, 18.54.080, 18.54.100, 18.54.110, 18.54.120, 18.55.065, 18.55.070, 18.55.080, 18.55.090, 18.55.100, 18.57.009, 18.57.030, 18.57.170, 18.57.173, 18.57.175, 18.57.177, 18.57.181, 18.57.185, 18.57.195, 18.57.205, 18.59.030, 18.59.140, 18.59.200, 18.71.018, 18.71.020, 18.71.025, 18.71.120, 18.71.140, 18.71.145, 18.71.165, 18.71.180, 18.72.030, 18.72.135, 18.72.140, 18.72.153, 18.72.160, 18.72.170, 18.72.175, 18.72.180, 18.72.201, 18.72.230, 18.72.240, 18.72.245, 18.72.250, 18.72.260, 18.72.270, 18.72.275, 18.72.280, 18.72.290, 18.72.300, 18.72.320, 18.72.330, 18.74.028, 18.74.080, 18.74.082, 18.74.084, 18.74.086, 18.74.088, 18.74.100, 18.78.053, 18.78.135, 18.78.145, 18.78.155, 18.78.165, 18.78.170, 18.78.175, 18.83.053, 18.83.145, 18.83.161, 18.83.165, 18.88.085, 18.88.210, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88.265, 18.92.033, 18.92.045, 18.92.050, 18.92.160, 18.92.180, 18.92.210, 18.92.220, 18.92.235, 18.108.075, 18.108.080, and 18.108.170; repealing section 3, chapter 38, Laws of 1917 (uncodified); repealing section 2, chapter 48, Laws of 1935 (uncodified); repealing section 7, chapter 5, Laws of 1919 (uncodified); repealing section 30, chapter 16, Laws of 1923 (uncodified); repealing section 8, chapter 222, Laws of 1949 (uncodified); making an appropriation; and prescribing penalties."

Signed by Senators Thompson and Kreidler; Representatives Brekke, Tanner and Lewis.

#### MOTION

Senator Thompson moved that the Report of the Conference Committee on Substitute House Bill No. 131 be adopted and the committee be granted the powers of Free Conference.

#### PARLIAMENTARY INQUIRY

Senator Kiskaddon: "Mr. President, I'm not sure—a parliamentary inquiry, I guess. The report that's been in our books for twenty-four hours is not what I understand to be what the complete amendment is, so I don't think anyone has had a chance to really look at the full conference report—at least if the conference report in our book is the one we're voting on, I think that's entirely different from what I heard was going to be there."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Kiskaddon's remarks are well taken."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 131 was deferred.

## REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 625, establishing a department of trade and economic development, have had the same under consideration and we recommend that the Senate amendment be adopted and that the amended bill do pass.

Signed by Senators Warnke, Pullen and Fleming; Representatives McMullen and Hargrove.

## MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Substitute House Bill No. 625 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 625, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 625, as recommended by the Conference Committee, and the bill passed by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Metcalf - 1.

SUBSTITUTE HOUSE BILL NO. 625, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 718, clarifying taxation and assessments provisions pertaining to mobile homes, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following: That the Senate amendments be adopted to:

On page 1, line 2;

On page 2, line 7;

and the amendment to page 7, line 6, not be adopted;

and on page 7, line 3, strike all material through "inventory," on line 11 and insert:

"NEW SECTION, Sec. 8. A new section is added to chapter 84.36.RCW to read as follows:

Any mobile home which is a part of a dealer's inventory and held solely for sale in the ordinary course of the dealer's business and is not used for any other purpose shall be exempt from property taxation: PROVIDED, That this exemption shall not apply to property taxes already levied or delinquent on such mobile home at the time it becomes part of a dealer's inventory."

Signed by Senators McDermott, Zimmerman and Warnke; Representatives Appelwick, Barnes and Todd.

## MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Engrossed House Bill No. 718 was adopted and the committee was granted the powers of Free Conference.

## MOTION

At 9:38 a.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 10:25 a.m. by President Cherberg.

REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 804, establishing a program to recycle auto and truck tires, have had the same under consideration and we recommend that the following amended Senate Parks and Ecology amendment be adopted and that the bill do pass as amended:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as last amended by section 1, chapter 123, Laws of 1984 and RCW 70.95.010 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;

(b) Waste recycling;

(c) Energy recovery or incineration; and

(d) Landfill.

(5) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded vehicle tires with the subsequent conservation of resources and energy.

Sec. 2. Section 2, chapter 134, Laws of 1969 ex. sess. as amended by section 2, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.020 are each amended to read as follows:

The purpose of this chapter is to establish a comprehensive state-wide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling;

(4) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(5) To encourage storage, proper disposal, and recycling of discarded vehicle tires and to stimulate private recycling programs throughout the state.

It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

Sec. 3. Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 2, chapter 123, Laws of 1984 and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Committee" means the solid waste advisory committee.

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

(4) "Director" means the director of the department of ecology.

(5) "Disposal site" means the location where any final treatment, utilization, processing, or depository of solid waste occurs.

(6) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(7) "Jurisdictional health department" means city, county, city-county, or district public health department.

(8) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(9) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(10) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(11) "Waste reduction" means reducing the amount or type of waste generated.

(12) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(13) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

(14) "Landfill" means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility.

(15) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

NEW SECTION, Sec. 4. (1) No person may drop, deposit, discard, or otherwise dispose of vehicle tires on any public property or private property in this state or in the waters of this state whether from a vehicle or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley unless:

(a) The property is designated by the state, or by any of its agencies or political subdivisions, for the disposal of discarded vehicle tires; and

(b) The person is authorized to use the property for such purpose.

(2) A violation of this section is punishable by a civil penalty, which shall not be less than two hundred dollars nor more than two thousand dollars for each offense.

(3) This section does not apply to the storage or deposit of vehicle tires in quantities deemed exempt under rules adopted by the department of ecology under its functional standards for solid waste.

NEW SECTION, Sec. 5. There is levied and there shall be collected by the department of revenue from every person engaging within this state in business making retail sales of new replacement vehicle tires, an annual assessment equal to the gross proceeds of the sales of new replacement vehicle tires sold within this state, multiplied by twelve hundredths of one percent. All of the applicable provisions of chapter 82.32 RCW have full force and application with respect to taxes imposed under this section. For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

NEW SECTION, Sec. 6. There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used for the administration and implementation of this chapter as provided by section 7 of this act.

NEW SECTION, Sec. 7. Moneys in the account may be appropriated to the department of ecology:

(1) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; and

(2) To accomplish the other purposes of RCW 70.95.020(5).

Sec. 8. Section 26, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.260 are each amended to read as follows:

The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the ~~((planning and community affairs agency or its successor))~~ department of community development, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop state-wide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in tire recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

**NEW SECTION.** Sec. 9. To aid in the state-wide tire recycling campaign, the legislature strongly encourages various industry organizations which are active in resource recycling efforts to provide active cooperation with the department of ecology so that additional technology can be developed for the tire recycling campaign.

**NEW SECTION.** Sec. 10. Sections 4 through 7 and 9 of this act are each added to chapter 70.95 RCW.

**NEW SECTION.** Sec. 11. The department of ecology shall submit a report to the appropriate committees of the legislature by January 1, 1987, on the implementation of sections 4 through 7 and 9 of this act.\*

Signed by Senators Kreidler, McDonald and Vognild; Representatives Scott, Rust and Allen.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 804 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 804, as amended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 804, as amended by the Conference Committee, and the bill passed by the following vote: Yeas, 31; nays, 16; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, McDonald, McManus, Melcalf, Moore, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 16.

Absent: Senators Garrett, McDermott - 2.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 804**, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended and the Committee on Rules was relieved of further consideration of Gubernatorial Appointments No. 7, 23, 29, 31, 39, 40, 41, 42, 43, 44, 53, 55, 56, 73, 75, 76, 77, 78, 81, 93, 145, 146, 147, 148 and 149.

On motion of Senator Vognild, Gubernatorial Appointments No. 7, 23, 29, 31, 39, 40, 41, 42, 43, 44, 53, 55, 56, 73, 75, 76, 77, 78, 81, 93, 145, 146, 147, 148 and 149 were advanced to second reading and placed on the second reading calendar.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4228, as amended by the House, deferred on third reading April 24, 1985.

The bill was read the third time and placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator McDermott, on that balance, what's the total tax increase of this bill? In other words, what's the fiscal impact associated with this bill?"

Senator McDermott: "Well, Senator, if you add it all together, we lost about eight million from the general fund."

Senator Pullen: "You're saying that if you sum all the taxes, increases or decreases, algebraically the net is an eight million dollar reduction or an eight million dollar increase?"

Senator McDermott: "Out of the general fund, Senator. I don't know about the algebraically stuff--the last course I had was my freshman year in college and you don't have to be able to count to be a doctor. Well, you have to be able to count vertebrae and stuff like that, but you don't have to--"

Senator Pullen: "I'm just asking if you count millions, how many millions of dollars tax increase is this?"

Senator McDermott: "Senator, it is 8.6 million dollars less in the general fund. When you take all of the reductions in this bill, we lose about eight million dollars."

Senator Pullen: "How much do you gain, though?"

Senator McDermott: "In the general fund, it is actually none."

Senator Pullen: "I'm talking about the non-general fund area."

Senator McDermott: "Oh I see. Well, there will be forty-one million dollars in the Public Works Trust Fund for pay-as-you-go construction programs to deal with the one billion dollar of need in this state, so this state can have the intra-structure to support the economic development that we all want and need."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: Senator McDermott, I didn't detect a great deal of enthusiasm in your voice for this bill, however, what I would like to ask is this entirely a new tax on refuse--public utilities--now, 5.29. Is that an entirely new tax on the people?"

Senator McDermott: "Senator Rasmussen, what you actually heard in my voice was Irish savoirfaire. It is not new taxes; it is an extension of the already existing taxes."

Senator Rasmussen: "What is the present tax?"

Senator McDermott: "I would have to get the rates for you, but we are extending taxes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4228, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4228, as amended by the House, and the bill passed by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Wojahn, Zimmerman - 35.

Voting nay: Senators Benitz, Cantu, Craswell, Garrett, Guess, Lee, McCaslin, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Williams - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4228, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1077, deferred on second reading April 25, 1985.

#### MOTION FOR RECONSIDERATION

Senator McDermott moved that the Senate reconsider the vote by which the striking amendment by Senator McDermott to Engrossed Substitute House Bill No. 1077 was adopted April 19, 1985.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott to reconsider the vote by which the striking amendment to Engrossed Substitute House Bill No. 1077 was adopted.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott for reconsideration carried by the following vote:

Yeas, 27; nays, 21; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Deccio - 1.

The Senate resumed consideration of the striking amendment to Engrossed Substitute House Bill No. 1077, on reconsideration.

#### MOTION

On motion of Senator McDermott, the following amendments to the striking amendment were considered simultaneously and adopted:

On page 19, line 20, strike all of NEW SECTION, Sec. 30.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 21, line 14, after "of" strike "one million" and insert "five hundred thousand"

On page 21, after line 19, strike everything down to and including "percent." on page 23, line 25.

Renumber the remaining sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Hayner, the following amendment to the striking amendment was adopted:

On page 21, line 10, after "bill" strike "or concurrent resolution"

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

The amendment, as amended on reconsideration, was adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1077, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1077, as amended by the Senate, and the bill passed by the following vote: Yeas, 31; nays, 16; absent, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Moore, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer - 16.

Absent: Senators Barr, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3927, deferred on third reading, after reconsideration of the vote by which the bill failed to pass the Senate, April 22, 1985.

The bill was read the third time and placed on final passage.  
Debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Peterson, I guess I'd really like to be cleared on the copies of records at four dollars. Is it an accurate statement? Is that more than what it actually costs? It does seem like that is an excessive charge to me."

Senator Peterson: "It's a little more than it costs. Bear in mind, Senator, that the abstracts that the Department of Licensing has been furnishing for over the past ten years have been less than the cost of production--much less. The average costs, as near as I can remember from the testimony, is approximately three dollars to produce those abstracts. Insurance companies have been paying \$1.50, so in effect, the difference between Senator Sellar's suggestion of \$3.25 and \$4.00 is minimal when you consider the fact that we have been subsidizing those abstracts for years and years."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3927, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3927, on reconsideration, and the bill passed by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Barr, Bauer, Bottiger, Conner, DeJarnatt, Fleming, Goltz, Granlund, Guess, Hansen, Johnson, Kreidler, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 25.

Voting nay: Senators Bailey, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Gaspard, Halsan, Hayner, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Williams - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3927, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 3712, by Senator McDermott

Relating to higher education.

#### MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 3712 was substituted for Senate Bill No. 3712 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3712 was deferred.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Warnke, the appointment of Isiah Turner, Jr. as Director of the Department of Employment Security was confirmed.

#### APPOINTMENT OF ISIAH TURNER, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling,

Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Guess - 1.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3712, deferred earlier this morning.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3712 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3712.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3712, and the bill passed by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn - 40.

Voting nay: Senators Barr, Garrett, McCaslin, McDonald, Pullen, Rinehart, von Reichbauer, Williams, Zimmerman - 9.

SUBSTITUTE SENATE BILL NO. 3712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORT OF CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1079, authorizing sales tax deferrals for investment projects, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass:

The Senate amendments be adopted on page 2, line 6, page 2, line 7 and page 6, line 3; and the Senate amendments not be adopted on page 1, line 11, page 1, line 13, page 1, line 14, page 1, line 19, and page 1, line 27.

Signed by Senators Bottiger and Halsan; Representatives McMullen and Peery.

#### MOTION

Senator Warnke moved that the Report of the Conference Committee on Substitute House Bill No. 1079 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke to adopt the Report of the Conference Committee on Substitute House Bill No. 1079.

The motion by Senator Warnke carried and the Report of the Conference Committee on Substitute House Bill No. 1079 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1079, as amended by the Conference Committee.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1079, as amended by the Conference Committee, and the bill passed the Senate by the following vote:

Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Benitz, Garrett, Guess, McDonald, Pullen - 5.

Absent: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1079, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1107, requiring a valid driver's license for issuance of a vehicle license, have had the same under consideration and we recommend that the Senate committee amendment not be adopted and that the bill do pass without the Senate committee amendment.

Signed by Senators Peterson and Vognild; Representatives Armstrong and Long.

#### MOTION

Senator Peterson moved that the Report of the Conference Committee on Substitute House Bill No. 1107 be adopted.

#### POINT OF INQUIRY

Senator Bender: "Senator Peterson, what happened to the amendment dealing with the car dealers? Is that part of this Conference Report or not?"

Senator Peterson: "Well, what happened was that we didn't in effect adopt both amendments in committee--that was necessary to enact that portion of the bill."

Senator Bender: "What does that mean? Is it in the Conference Report now that exempted car dealers whether it be new or used from selling to people who do not have a valid driver's license?"

Senator Peterson: "In effect, Senator, the way I understand it is we didn't have it in there properly in the first place, so it doesn't change the original bill. We adopted one amendment and we didn't adopt the other amendment that would put the section in, so what we've done is bring it back to its original form. We didn't enact the proper amendment to start with."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1107 was deferred.

#### MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

#### MOTION

On motion of Senator von Reichbauer, Senators Bailey, Cantu, Lee and Saling were excused.

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Gaspard, the appointment of Edwin J. McWilliams as a member of the Board of Regents for Washington State University was confirmed.

## APPOINTMENT OF EDWIN J. McWILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 9; excused, 4.

Voting yeas: Senators Barr, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Bauer, Benitz, Bluechel, Craswell, Granlund, Halsan, Metcalf, Owen, Sellar - 9.

Excused: Senators Bailey, Cantu, Lee, Saling - 4.

## MOTION

On motion of Senator Goltz, the appointment of Martha Choe as a member of the Board of Trustees for Western Washington University was confirmed.

## APPOINTMENT OF MARTHA CHOE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 9; excused, 4.

Voting yeas: Senators Barr, Bender, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Bauer, Benitz, Bluechel, Granlund, Halsan, McDonald, Metcalf, Owen, Sellar - 9.

Excused: Senators Bailey, Cantu, Lee, Saling - 4.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1107 and the pending motion by Senator Peterson that the Senate adopt the Report of the Conference Committee, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator Peterson to adopt the Report of the Conference Committee on Substitute House Bill No. 1107.

The motion by Senator Peterson carried and the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1107.

## MOTION

On motion of Senator Bender, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1107, as recommended by the Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1107, as recommended by the Conference Committee, and the bill passed the Senate by the following vote:

Yeas, 36; absent, 8; excused, 5.

Voting yeas: Senators Barr, Bender, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Benitz, Bluechel, Granlund, Halsan, McDermott, Metcalf, Owen, Sellar - 8.

Excused: Senators Bailey, Bauer, Cantu, Lee, Saling - 5.

SUBSTITUTE HOUSE BILL NO. 1107, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MOTION

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

## SENATE RESOLUTION 1985-57

by Senators DeJarnatt and Thompson

WHEREAS, No keener commitment to excellence and fair play may be found anywhere in the sporting world beyond that which exists in the Special Olympics Program; and

WHEREAS, A most appropriate model of this commitment is represented by the Cowlitz Monarchs; and

WHEREAS, This Longview Special Olympics basketball team recently captured the Washington State "B" Division Championship for the fourth year in a row; and

WHEREAS, Coach Fred Hanson; assistant coaches Gary McGee and Mike Mendenhall, Jr., and team players Mike Clark, Leroy Jackson, Mark Lima, Richard Lippard, Kevin Miller, Scott Pierce, Bill Pingree and Greg White once again brought home honor for their community and memories of grace in competition for themselves; and

WHEREAS, These young men are Special Olympians, indeed;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session. That we recognize the well-earned Medals of the Cowlitz Monarchs; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send copies of this resolution to the coaching staff and players of the Cowlitz Monarchs, and to the public library of the City of Longview.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Cowlitz Monarchs, guests of Senators DeJarnatt and Thompson, who were seated in the gallery.

## MOTION

At 1:53 p.m., on motion of Senator Vognilid, the Senate recessed until 3:00 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 3:10 p.m. by President Cherberg.

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

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

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Gaspard, the appointment of Robert "Mac" Crow as a member of the Board of Regents for Washington State University was confirmed.

## APPOINTMENT OF ROBERT "MAC" CROW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Benitz, Granlund, Guess, Stratton - 5.

Excused: Senators Lee, McDermott - 2.

## MOTION

On motion of Senator Bender, Senator Granlund was excused.

## MOTION

On motion of Senator Rinehart, the appointment of Belinda K. Pearson as a member of the Board of Regents for Washington State University was confirmed.

## APPOINTMENT OF BELINDA K. PEARSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Benitz - 1.

Excused: Senators Granlund, McDermott - 2.

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

## MOTION

On motion of Senator Rinehart, the appointment of Joe W. Jackson as a member of the Board of Trustee for Eastern Washington University was confirmed.

## APPOINTMENT OF JOE W. JACKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Johnson - 1.

Excused: Senators Granlund, McDermott - 2.

## MOTION

On motion of Senator von Reichbauer, Senators Lee and McDonald were excused.

## MOTION

On motion of Senator Kreidler, the appointment of Andrea W. Beatty as Director of the Department of Ecology was confirmed.

## APPOINTMENT OF ANDREA W. BEATTY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Granlund, Lee, McDermott, McDonald - 4.

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

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3012 and has granted the powers of Free Conference, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3012, enacting penalties and procedures to prevent harassment, have had the same under consideration and we report that we are unable

to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 3, line 28 of the House committee amendment after "a" strike "gross"

On page 6, line 22 of the House committee amendment after "court." insert "Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9a.-- RCW (sections 1 through 10 of this act) and will subject a violator to arrest."

Signed by Senators Talmadge, Pullen and Halsan; Representatives Crane, Van Luven and Scott.

#### MOTION

On motion of Senator Talmadge the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3012 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3207 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3207, providing for prison work programs, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Substitute Senate Bill No. 3207, read in on April 25, 1985)

Signed by Senators Granlund, Johnson and Bottiger; Representatives Brekke, Day and Walker.

#### MOTION

On motion of Senator Bottiger, the Report of the Free Conference Committee on Substitute Senate Bill No. 3207 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3207, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3207, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCasin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Granlund, Lee, McDonald - 3.

SUBSTITUTE SENATE BILL NO. 3207, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 3812 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3812, modifying penalty provisions on the violation of water pollution control statutes, have had the same under consideration and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass.

(See Report of Conference Committee on Senate Bill No. 3812, read in on April 25, 1985)

Signed by Senators Kreidler, Bluechel and Talmadge; Representatives Hine, Rust and G. Nelson.

## MOTION

Senator Kreidler moved that the Report of the Free Conference Committee on Senate Bill No. 3812 be adopted.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, the Free Conference Committee Report on page 2, reads, 'Violates the provisions of RCW 90'--and so on and so forth--'where other sections of this chapter or regulations,' and then it goes on to say 'or orders adopted or issued pursuant thereto.' Now, it doesn't say anything about orders adopted that I presume go through the hearings and adopt their rules and regs, but then--'or issued pursuant thereto.' It doesn't say they have to be adopted. It just says that 'the orders are issued.'

"Before you answer, let me go on to the next one, so you can get them all at once. On page 3, it says, 'The director shall mitigate penalties only upon demonstration of extraordinary circumstance, as the president's information or factor is not considered in setting the original penalty.' There's another one on page 9--'Necessary expenses means expenses occurred by the Department for investigating the source of discharge, investigating the extent of environmental damage caused by the discharge.' Now, that could run up into a tremendous amount of money the way that Department operates and while it might be worthwhile, I'm questioning. Then over on page 10, it indicates that 'if no standards have been set, cause significant degradation of water qualities.' Well, how do you know if you degraded a water quality if there's no standards set and what this does is allow the director of the Department without any other action to come in and fine you heavily for things in the first section, where it says they can issue orders if nobody knows about it and in this case where you've got no standards.

"Maybe you can explain that, but it gives unlimited powers to the Director which may be what we want to do. We haven't done it in the past and it really leaves industry and even private parties under serious handicap."

Senator Kreidler: "Senator Rasmussen, your initial question addressed--what are essentially the violations of the discharge permit. Currently, they can go through the civil court's proceedings in order to accomplish their end. It is timely; it is costly and there was no objection to adding this language from industry--the people who are going to be affected by being the recipients of those discharge permits and they felt that actually this would smooth over the process and make it much more smooth than it previously has been. That's the reason--there was absolutely no controversy over that particular language as it was added.

"As to your other questions, I think you'll have to state them." (Time ran out--3 minute rule).

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate adopt the Report of the Free Conference Committee on Senate Bill No. 3812.

The motion by Senator Kreidler carried and the Senate adopted the Report of the Free Conference Committee on Senate Bill No. 3812.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3812, as amended by the Free Conference Committee.

#### POINT OF INQUIRY

Senator Rasmussen: "Now that it's on final passage, is it permitted for Senator Kreidler to finish? Tell that gavel to hold off a little bit. Thank you, Mr. President?"

Senator Kreidler: "Senator Rasmussen, you'll have to rephrase those questions because after about the fourth or fifth one, I couldn't turn to the pages quick enough to look at the reference to the questions you were asking."

Senator Rasmussen: "Probably the only one that is really of any importance is the last one."

Senator Kreidler: "On page what?"

Senator Rasmussen: "Well, I had a question, too, on unnecessary expenses--unlimited expenses that they apparently are allowed to assess against whatever industry they determine, may or may not be degrading. The one that bothers me is that if no standards have been set--'causes significant degradation of water quality.' That's the question, if you don't have standards, how are you going to make that determination and I presume they'd get a fine even if they didn't know what the standards were."

Senator Kreidler: "Is that related to necessary expenses--that particular section?"

Senator Rasmussen: "That's water degradation on page 10."

Senator Kreidler: "That particular language we wound up with was actually a change from what we originally had. The wording previously had been 'a measurable reduction in water quality.' We were concerned about that particular language as I attempted to say earlier, that relates specifically to that language on page 10--'using modern detection devices in amounts to one trillionth parts per million can be measured.' The compromise wording calls for 'significant degradation' which implies that more than just barely detectable amounts of contaminants are now subject.

"This language is language that we worked out carefully with the people who are going to be the affected parties to make sure that they didn't feel the Department of Ecology was going to wind up with excessive powers--that they would not wind up in a situation where there would be an unreasonable standard established and the language we have here is the result of what is a compromise that everybody feels they can work with quite satisfactorily.

"At the same time, without language like this, we run the risk of not having the kind of standards available for the Department of Ecology to work with and are going to allow us to make sure that they are doing the job to protect water quality in the state of Washington. This is compromise wording that met with everybody's satisfaction as a reasonable compromise in order to give the Department the kind of powers that are necessary."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3812, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Barr, Benitz, Cantu, Deccto, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Sellar, Zimmerman - 17.

Excused: Senator Granlund - 1.

SENATE BILL NO. 3812, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Gaspard was excused.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4424 and has granted the powers of Free Conference, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4424, reopening the certification period of the pollution control board for certain parties to the Yakima adjudication, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 4, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.043 are each amended to read as follows:

(1) Notwithstanding any time restrictions imposed by the provisions of chapter 90.14 RCW, a person may file a claim pursuant to RCW 90.14.041 if such person obtains a certification from the pollution control hearings board as provided in this section.

(2) A certification shall be issued by the pollution control hearings board if, upon petition to the board, it is shown to the satisfaction of the board that:

(a) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) in the case of surface water beginning not later than June 7, 1917, and in the case of ground water beginning not later than June 7, 1945, or

(b) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) from the date of entry of a court decree confirming a water right and any failure to register a claim resulted from a reasonable misinterpretation of the requirements as they related to such court decreed rights.

(3) The board shall have jurisdiction to accept petitions for certification from any person through (~~December 31, 1979~~) September 1, 1985, and not thereafter.

(4) A petition for certification shall include complete information on the claim pursuant to RCW 90.14.051 (1) through (8), and any such information as the board may require.

(5) The department of ecology is directed to accept for filing any claim certified by the board as provided in subsection (2) of this section. The department of ecology, upon request of the board, may provide assistance to the board pertinent to any certification petition.

(6) A certification by the pollution control hearings board or a filing with the department of ecology of a claim under this section shall not constitute a determination or confirmation that a water right exists.

(7) The provisions of RCW 90.14.071 shall have no applicability to certified claims filed pursuant to this section.

(8) This section shall have no applicability to ground waters resulting from the operations of reclamation projects.

NEW SECTION, Sec. 2. A new section is added to chapter 90.14 RCW to read as follows:

The provisions of this 1985 amendatory act authorizing the acceptance of a petition for certification filed during the period beginning on the effective date of this 1985 amendatory act and ending on midnight, September 1, 1985, shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this 1985 act.

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

On page 1, on line 1 of the title, after "RCW 90.14.043;" insert "adding a new section to chapter 90.14 RCW:"

Signed by Senators Hansen, Benitz and Goltz; Representatives Vekich, Madsen and Doty.

## MOTION

On motion of Senator Goltz, the Report of the Conference Committee on Substitute Senate Bill No. 4424 was adopted and the committee was granted the powers of Free Conference.

## MOTION

On motion of Senator Bender, Senators Owen and Talmadge were excused. There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 318, by Representatives Walk, J. Williams, Gallagher, Van Luven, May, Betrozoff, Patrick, Nealey, Prince, Sanders, Hankins, S. Wilson, Holland and Winsley

Extending the current Advance Construction-Interstate Highway bond authorization to 1989.

The bill was read the second time.

## MOTION

Senator Vognild moved the following amendment by Senator Wojahn be adopted:

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

NEW SECTION, Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:

On and after July 1, 1985, through June 30, 1991, the legislative authority of any city having a population over one hundred forty thousand may impose a sales and use tax of up 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). The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and 82.14.045 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. The total proceeds of such tax shall not exceed the sum of twenty-five million dollars plus administration and collection expenses pursuant to RCW 82.14.050.

The total proceeds of the tax imposed under this section, less amounts deducted for administration and collection expenses pursuant to RCW 82.14.050, shall be used solely to finance the local share of preliminary engineering, right of way acquisition, and construction expenditures for any project located on one or more adjacent city streets, forming a state corridor, which includes crossing of a waterway within the city limits of a city having a population of more than one hundred forty thousand.

This section shall expire June 30, 1992."

## POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I raise the question of scope and object. It doesn't fit on this bill. This requires the imposing of a sales tax. It doesn't fit on the bill and it requires a change in title. I would urge the President to take a good look at the scope and object and my reason for not wanting to see this is it's a state highway which is funded and taken care of by the gas tax funds and that's the way it should remain."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that House Bill No. 318 is a measure extending the current advance construction-interstate highway bond authorization from 1985 to 1989.

"The amendment proposed by Senator Wojahn authorizes a local option sales tax for certain cities with funds dedicated to bridges within those cities.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Wojahn was ruled out of order.

## MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 318 was advanced to third third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 318.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 318, and the bill passed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Gaspard, Granlund, Owen, Patterson, Talmadge - 5.

HOUSE BILL NO. 318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 327 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

## MOTION

At 4:10 p.m., on motion of Senator Vognilid, the Senate recessed until 5:20 p.m.

## THIRD AFTERNOON SESSION

The Senate was called to order at 5:20 p.m. by President Cherberg.

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

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Warnke, the appointment of Mary G. Faulk as Director of the State Lottery Commission was confirmed.

## APPOINTMENT OF MARY G. FAULK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 8; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Bender, Benitz, Deccio, Hansen, McManus, Stratton, Williams - 8.

Excused: Senators Granlund, Owen - 2.

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

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 799 on page 1, line 20, and page 2, line 12, and passed the bill as amended by the Senate on page 1, line 20, and page 2, line 12, and without the amendment to

page 2, line 19, from which the Senate receded, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 799, as amended by the Senate, but without the Senate amendment on page 2, line 19.

Debate ensued.

#### POINT OF INQUIRY

Senator Craswell: "Senator Gaspard, is it your intention that this bill, in any way, affects the definition of basic education or the state's responsibility to fund basic education?"

Senator Gaspard: "Senator Craswell, the answer to that question is 'no.' It should not be interpreted as any part of basic education."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 799, as amended by the Senate, but without the Senate amendment to page 2, line 19, and the bill passed by the following vote: Yeas, 37; nays, 9; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Johnson, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, McCaslin, McDonald, Newhouse, Pullen, Zimmerman - 9.

Absent: Senators Deccio, Kreidler - 2.

Excused: Senator Granlund - 1.

SUBSTITUTE HOUSE BILL NO. 799, as amended by the Senate, but without the Senate amendment to page 2, line 19, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 23, 1985

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 272 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate receded from the Senate amendments to Substitute House Bill No. 272.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 272, without the Senate amendments.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 272, without the Senate amendments, and the bill passed by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator Deccio - 1.

Excused: Senator Granlund - 1.

SUBSTITUTE HOUSE BILL NO. 272, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 116 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Thompson, the Senate refuses to recede from the Senate amendments to Engrossed House Bill No. 116, insists on its position and once again asks the House to concur therein.

## MOTION

On motion of Senator Bender, Senator Fleming was excused.

## MOTION FOR RECONSIDERATION

Senator Vognild moved that the Senate reconsider the vote by which the powers of Free Conference were granted on Substitute Senate Bill No. 3384 during the morning session.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate reconsider the vote by which the powers of Free Conference were granted on Substitute Senate Bill No. 3384.

The motion by Senator Vognild carried and the Senate resumed consideration of Substitute Senate Bill No. 3384.

## MOTION

Senator Vognild moved that the Senate refuse to grant the powers of Free Conference on Substitute Senate Bill No. 3384.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, would you desire to explain what we're doing? I would like to have it on the record--if you would answer that as a question."

Senator Vognild: "Thank you, Senator. If this motion passes, it tells the Conference Committee to go back and rewrite their Free Conference Report. So, we are not accepting it and the problem in it is the scope and object problem that you brought up this morning, so essentially we are instructing them to go back and rewrite that without that language."

## PARLIAMENTARY INQUIRY

Senator Metcalf: "Question--what is the language that we are not going to put--I was on the Conference Committee and what is the language that we're going to change?"

Senator Vognild: "Senator, the language contained in there in regards to the power to search for fish and to check fish is beyond the scope and object of the bill and, therefore, we are going to have to take that out."

Senator Metcalf: "That section out? Thank you."

## REMARKS BY SENATOR OWEN

Senator Owen: "Thank you, Mr. President. That's not quite correct. I thought maybe I should clarify that. We need to go back and determine whether or not there is a way that we could draft legislation that would take care of the problem. I'm not convinced that it would be necessary to take out that language in order to accomplish that, but we do need to get it back into conference in order to make this determination and I can't say at this point exactly what that would be, but I do not believe that it would be taking out the language that Senator Rasmussen is objecting to."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate refuse to grant the powers of Free Conference on Substitute Senate Bill No. 3384 on reconsideration.

The motion by Senator Vognild carried and the Senate refused to grant the powers of Free Conference on Substitute Senate Bill No. 3384, on reconsideration.

#### MOTION

At 5:45 p.m., on motion of Senator Vognild, the Senate recessed until 6:45 p.m.

#### EVENING SESSION

The Senate was called to order at 6:48 p.m. by President Pro Tempore Goltz.

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Talmadge, the appointment of Jill M. Kinney as a member of the Juvenile Disposition Standards Commission was confirmed.

##### APPOINTMENT OF JILL M. KINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Bluechel, Owen, Zimmerman - 3.

Excused: Senators Fleming, Granlund - 2.

##### MOTION

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

##### MOTION

On motion of Senator Talmadge, the appointment of Judge James Roper as a member of the Juvenile Disposition Standards Commission was confirmed.

##### APPOINTMENT OF JUDGE JAMES ROPER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator Owen - 1.

Excused: Senators Fleming, Granlund, Zimmerman - 3.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3254 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3254, revising certain provisions of domestic violence prevention laws, have had the same under consideration and we recommend that the bill be amended as follow and that the amended bill do pass.

(See Report of Conference Committee on Substitute Senate Bill No. 3254 read in earlier today)

Signed by Senators Talmadge, Metcalf and Halsan; Representatives Crane, Scott and Patrick.

## MOTION

On motion of Senator Talmadge the Report of the Free Conference Committee on Substitute Senate Bill No. 3254 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3254, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3254, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 43.

Absent: Senators McDermott, McManus, Owen - 3.

Excused: Senators Fleming, Granlund, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 3254, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 805, requiring training in recognizing potential victims of child abuse, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 28A.04 RCW to read as follows:

The legislature finds that learning is more difficult for many children because they are the victims of child abuse. Educators are often in a position to identify and assist these children in coping with their unfortunate circumstances. Educators should be trained to deal with this responsibility. The legislature, therefore, encourages the state board of education to include in its program standards for professional preparation programs instruction in child abuse issues.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28A.71 RCW to read as follows:

The superintendent of public instruction, the educational service districts, and local school districts are encouraged to devise programs of in-service training for public school certificated and classified personnel who come into contact with students in grades kindergarten through twelve for the purpose of providing instruction on how to effectively teach children the skills to resist and report attempts to abuse them.

Sec. 3. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 16, Laws of 1985 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and

to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.58.754.

(2) The school day shall be the same as that required in RCW 28A.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health with special reference to the prevention of child abuse, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 4. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system and the prevention of child abuse, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

NEW SECTION. Sec. 5. If specific funding for the purpose of the amendment to RCW 28A.05.010 by section 4 of this act referencing this act by bill number, is not provided by the legislature by July 1, 1985, the amendments to RCW 28A.02.201 by section 3 of this act and to RCW 28A.05.010 by section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. The legislature recognizes that its intent to require that specific subject matter be taught in the common schools of this state must be accompanied by a commitment to provide the funding to train teachers in every school in that particular curriculum. Therefore, if sections 3 and 4 of this act are not implemented during 1985 as required in section 5 of this act, the legislature directs the superintendent of public instruction to conduct a study of available staff trained in the prevention of child abuse curriculum in all two hundred ninety-nine school districts and one thousand six hundred ninety-eight school buildings in the state and to report back to the legislature prior to the 1986 session as to the means and cost associated with providing adequate training to meet staff needs in this area.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.02.201 and 28A.05.010; adding a new section to chapter 28A.04 RCW; adding a new section to chapter 28A.71 RCW; and creating new sections."

Signed by Senators Gaspard and Bender; Representatives Scott, Ebersole and Walker.

## MOTION

On motion of Senator Thompson, the Report of the Conference Committee on Substitute House Bill No. 805 was adopted and the committee was granted the powers of Free Conference.

## MOTION

At 7:10 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 8:30 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House passed SUBSTITUTE HOUSE BILL NO. 358, as amended by the Senate on page 1, line 11, and without the amendment on page 1, line 6, from which the Senate receded.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 890 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has receded from its position, concurred in the Senate amendments and passed HOUSE BILL NO. 593, as amended by the Senate.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 46 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has receded from its amendments to SENATE BILL NO. 3173 and passed the bill without the House amendments and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The Speaker has signed:  
 SENATE BILL NO. 3189,  
 SENATE BILL NO. 3202,  
 SUBSTITUTE SENATE BILL NO. 3684.

SUBSTITUTE SENATE BILL NO. 4263, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3066 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, modifying provisions relating to gambling, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

On page 3 of the House amendment, beginning on line 1 strike "~~(which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and)~~" and insert "which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and"

Signed by Senators Warnke and Moore; Representatives Wang and R. King.

MOTION

On motion of Senator Talmadge the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3066 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3184 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3184, providing state-owned housing for certain state employees, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature recognizes that significant benefits accrue to the state and that certain types of state operations are more efficient when personnel services are available on an extended basis. Such operations include certain types of facilities managed by agencies such as the departments of natural resources, corrections, fisheries, game, social and health services, transportation, veterans affairs, and the parks and recreation commission.

The means of assuring that such personnel are available on an extended basis is through the establishment of on-site state-owned or leased living facilities. The legislature also recognizes the restrictions and hardship placed upon those personnel who are required to reside in such state-owned or leased living facilities in order to provide extended personnel services.

The legislature further recognizes that there are instances where it is to the benefit of the state to have state-owned or leased living facilities occupied even though such occupancy is not required by the agency as a condition of employment.

NEW SECTION. Sec. 2. (1) Whenever an agency requires that an employee reside in state-owned or leased living facilities as a condition of employment, such living facilities shall be made available to the employee under the conditions set forth in sections 3 and 4 of this act.

(2) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) it would be to the agency's benefit to have the facility occupied by an employee of the agency whose duties involve extended personnel services associated with the work site upon which the living facility is located or at work site near to where the living facility is located, the agency may make the facility available to such employee.

(3) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) the facility has been made available to employees under subsection (2) of this section and that no such employees have opted to reside in the facility, the agency may make the facility available for occupancy to other interested parties.

NEW SECTION. Sec. 3. (1) No rent may be charged to persons living in facilities provided under section 2 (1) and (2) of this act. Such employees shall pay the costs of utilities associated with the living facility.

(2) Rent and utility charges to residents of living facilities under section 2(3) of this act shall be established by the agency responsible for managing the living facility.

(3) Utility charges required by this section shall be based upon six cents per month per square foot to a maximum of thirteen hundred square feet, outside dimension. Utility costs may be adjusted by the department of general administration on a yearly basis to reflect an average of utility rate changes affecting all state-owned housing in the state. Individuals residing in living facilities available under section 2 of this act shall pay all utility costs attributable to the personal enhancements of the individual.

(4) Any person occupying state-owned or leased living facilities shall do so with the understanding that he or she assumes custodial housekeeping responsibility as directed by the agency. Such responsibility shall not include maintenance, repairs, or improvements to the facilities. An occupant of a state-owned or leased facility is liable for damages to the facility in excess of normal wear and tear.

NEW SECTION. Sec. 4. The state shall maintain living facilities occupied under section 2 of this act in a safe, healthful condition.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Senators Thompson, Zimmerman and Rinehart; Representatives Belcher, Peery and Hankins.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 3184 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3235 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3235, providing programs for educational excellence, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The superintendent of public instruction shall by December 1, 1985, recommend to the legislature a basic education allocation formula which provides adequate but not excessive funding for districts having less than twenty-five full time equivalent students.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28A.58 RCW to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(4), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall annually report to the superintendent of public instruction on the scheduling and implementation of their self-study activities.

**NEW SECTION.** Sec. 3. The legislature recognizes the need to keep and attract quality teachers in our public schools. The legislature intends to examine the effectiveness of a career ladder in our public schools. To improve the quality of teaching and foster a professional climate which encourages creativity and cooperation among teachers and enhances the intrinsic rewards teachers experience from helping students learn, the legislature intends to locally test ways in which the goal of attracting and retaining excellent teachers might be accomplished. The legislature recognizes that a career ladder system is one means of enhancing the attractiveness of teaching; however, the legislature wishes to investigate this concept further prior to determining whether to develop such a system.

**NEW SECTION.** Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

(1) The superintendent of public instruction is hereby authorized to grant funds for selected school improvement and research projects, including improvements in curriculum, instruction, and classroom management developed by teachers.

(2) The superintendent shall appoint an advisory committee on research and development composed of certificated and noncertificated staff, administrators, curriculum specialists, parents, school directors, postsecondary educators, business persons, and others as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate proposed school improvement and research projects proposed by educational employees. The criteria approved by the superintendent shall: (a) Assure to the extent possible that projects will be chosen which represent the various geographical locations, school or district sizes, and grade levels existent in the state; (b) provide for evaluation of each project upon completion; and (c) include such other requirements as the superintendent finds necessary. The committee shall recommend to the superintendent of public instruction the awarding of grants to fund those proposals showing the most potential for developing knowledge which will be helpful to local districts in their efforts to enhance educational equity and excellence. Projects may involve the collaboration of personnel from higher education institutions and kindergarten through grade twelve educators.

(3) The superintendent of public instruction shall award grants to selected project participants in such amounts as determined by the superintendent of public instruction, who shall take into consideration grant amounts as recommended by the advisory committee on research and development under subsection (2) of this section. The sum of all grants awarded per year shall not exceed that amount appropriated by the legislature for such purposes. Grants may be awarded to individual teachers or teams of teachers including teacher's aides and volunteers.

(4) The superintendent of public instruction shall maintain a clearinghouse of information on these research projects for the use of local districts.

Sec. 5. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

**NEW SECTION.** Sec. 6. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education may grant waivers to school districts from the provisions of RCW 28A.58.750 through 28A.58.754 on the basis that such waiver or waivers are necessary to

implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

The state board shall adopt criteria to evaluate the need for the waiver or waivers.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.58 RCW to read as follows:

School boards may by separate contract with certificated instructional and classified staff provide supplemental compensation for additional days or additional duties as set forth in the bargaining agreement or agreements as negotiated between the district and the respective bargaining representatives, if the district does not incur obligations for the supplements beyond the current school year and if such supplements do not cause the state to incur any present or future funding obligations. Additional days for certificated instructional staff and classified staff shall be those days beyond their respective work year. Such separate contracts shall be subject to the collective bargaining provisions of chapters 41.59 and 41.56 RCW. Such supplemental compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095. Separate contracts shall be subject to the provision 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 RCW 28A.58.515.

NEW SECTION. Sec. 8. (1) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 2 of this act.

(2) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 4 of this act.

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."

On page 1, line 1 of the title, after "excellence;" strike the remainder of the title and insert "amending RCW 28A.41.140; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 28A.58 RCW; adding a new section to chapter 28A.67 RCW; creating new sections; and making appropriations."

Signed by Senators Gaspard and Bender; Representatives Ebersole, Appelwick and Betzoff.

#### MOTION

On motion of Senator Vognil, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3235 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3376 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3376, establishing a higher education coordinating board, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is hereby created the Washington higher education coordinating board.

NEW SECTION. Sec. 2. For the purposes of this chapter:

(1) "Board" means the higher education coordinating board; and

(2) "Four-year institutions" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

**NEW SECTION.** Sec. 3. 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 for vocational education. The legislature intends that the board represent the broad public interest above the interests of the individual colleges and universities.

**NEW SECTION.** Sec. 4. The board shall perform the following planning duties in consultation with the four-year institutions, the community college system, and when appropriate the commission for vocational education, the superintendent of public instruction for the vocational-technical institutes, and the independent higher educational institutions:

(1) Develop and establish role and mission statements for each of the four-year institutions and for the community college system;

(2) Identify the state's higher education goals, objectives, and priorities;

(3) Prepare a comprehensive master plan which includes but is not limited to:

(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;

(b) Recommendations on enrollment and other policies and actions to meet those needs;

(c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated biennially, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the biennial updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan:

(4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;

(5) Recommend legislation affecting higher education;

(6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;

(7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;

(8) Prepare recommendations on merging or closing institutions; and

(9) Develop criteria for identifying the need for new baccalaureate institutions.

**NEW SECTION.** Sec. 5. The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

(1) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

(2) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

(3) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

(4) Approve, and adopt guidelines for, higher education centers and consortia;

(5) Approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges;

(6) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

(7) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions.

NEW SECTION. Sec. 6. The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions, the state board for community college education, and the commission for vocational education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

- (1) Promote interinstitutional cooperation;
- (2) Establish minimum admission standards for four-year institutions;
- (3) Establish transfer policies;
- (4) Adopt rules implementing statutory residency requirements;
- (5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;
- (6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;
- (7) Monitor higher education activities for compliance with all relevant state policies for higher education;
- (8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;
- (9) Establish and implement a state system for collecting, analyzing, and distributing information;
- (10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and
- (11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

NEW SECTION. Sec. 7. The board shall perform the following administrative responsibilities:

- (1) Administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.05 RCW (education registration); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).
- (2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high technology board); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.58.824 through 28A.58.832 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature.

NEW SECTION. Sec. 8. The board shall have authority to adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 9. The board shall establish advisory committees composed of members representing faculty, administrators, students, regents and trustees, and staff of the public institutions, the superintendent of public instruction, and the independent institutions.

NEW SECTION. Sec. 10. The board shall consist of nine members who are representative of the public, including women and the racial minority community. All members shall be appointed at large by the governor and approved by the senate. The governor shall appoint the chair, who shall serve at the governor's pleasure.

NEW SECTION. Sec. 11. The members of the board, except the chair, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms.

NEW SECTION. Sec. 12. Any vacancies among board members shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. Board members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. Appointments to fill vacancies shall be only for such terms as remain unexpired.

NEW SECTION. Sec. 13. The board shall adopt bylaws and shall meet at least four times each year and at such other times as determined by the chair who shall give reasonable prior notice to the members.

Board members are expected to consistently attend board meetings. The chair of the board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

NEW SECTION. Sec. 14. The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the commission for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

NEW SECTION. Sec. 15. All employees of the council for postsecondary education classified under chapter 28B.16 RCW are assigned to the 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 higher education personnel.

All employees of the council for postsecondary education exempt under chapter 28B.16 RCW and below the level of executive and deputy coordinator are assigned to the board to perform their usual duties upon the same terms as formerly. Such employees shall serve at the pleasure of and subject to the terms and conditions of the board or the director, if the authority is delegated to the director. By December 31, 1986, the director shall evaluate such employees.

Sec. 16. Section 12, chapter 277, Laws of 1969 ex. sess. as last amended by section 65, chapter 287, Laws of 1984 and RCW 28B.80.110 are each amended to read as follows:

Members of the ~~((council))~~ board shall be compensated in accordance with RCW 43.03.240 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 17. Section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150 are each amended to read as follows:

~~((In addition to the functions delegated to the council by RCW 28B.80.030.))~~ The ~~((council))~~ board is hereby specifically directed to develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the ~~((council))~~ board shall designate the state certifying officer for student programs.

Sec. 18. Section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150, the ~~((council))~~ board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance grants;

(2) If appropriations are insufficient to fund all students qualifying under subsection (1) ~~((hereof))~~ of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

Sec. 19. Section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170 are each amended to read as follows:

The ~~((council))~~ board shall periodically advise the governor and the legislature of the policy implications of the state of Washington's participation in the Western Interstate Commission for Higher Education student exchange programs as they affect long-range planning for postsecondary education, together with recommendations on the most efficient way to provide high cost or special educational programs to Washington residents.

Sec. 20. Section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200 are each amended to read as follows:

The ~~((council))~~ higher education coordinating board is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law: PROVIDED, That notwithstanding the

provisions of RCW 28B.80.050, all members of the ((council)) board shall have full voting powers in taking actions related to federal postsecondary educational planning functions as provided in this section and RCW 28B.80.210 through 28B.80.240.

Sec. 21. Section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210 are each amended to read as follows:

The ((council)) board shall administer ((the following programs: Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and)) any ((other)) federal act pertaining to higher education which is not administered by another state agency.

Sec. 22. Section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230 are each amended to read as follows:

The ((council)) board is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

Sec. 23. Section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240 are each amended to read as follows:

The ((council)) board shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

Sec. 24. Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Management employees" mean administrative exempt personnel of the ((council for postsecondary education)) higher education coordinating board who are specified by the ((council)) board as management.

Sec. 25. Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260 are each amended to read as follows:

(1) The ((council)) board shall develop performance evaluation procedures and forms which shall be used for the appraisal of management employees.

(2) The performance evaluation shall measure management employees' performance within at least five performance rating categories.

(3) The ((council)) board shall adopt rules designed to insure that performance evaluations of management employees do not result in unrealistic concentration in any performance rating category.

Sec. 26. Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270 are each amended to read as follows:

((Beginning on July 1, 1984.)) Management employees of the ((council)) board shall be subject to performance evaluation using the procedures developed under RCW 28B.80.260. Such employees may be granted merit increases in salary based on performance as determined by the ((council)) board for its employees.

Sec. 27. Section 1, chapter 304, Laws of 1983 and RCW 28B.80.280 are each amended to read as follows:

The ((council)) board shall, in cooperation with the state institutions of higher education and the state board for community college education, 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 ((council)) board shall report on developments toward that objective at ((both)) the ((1984 and 1985)) 1987 regular session(s) of the legislature.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the council for postsecondary education shall be delivered to the custody of the higher education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the council for postsecondary education shall be made available to the higher education coordinating board. All funds, credits, or other assets held by the council for postsecondary education shall be assigned to the higher education coordinating board.

Any appropriations made to the council for postsecondary education shall, on the effective date of this section, be transferred and credited to the higher education coordinating board. The council for postsecondary education shall provide such funds as are necessary to the board for activities necessary to implement this act on its effective date.

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. 29. All rules and all pending business before the council for postsecondary education shall be continued and acted upon by the higher education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the higher education coordinating board.

NEW SECTION. Sec. 30. The transfer of the powers, duties, and functions of the council for postsecondary education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 31. If apportionments of budgeted funds are required because of the transfers directed by sections 15, 28, and 29 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.

Sec. 32. Section 3, chapter 54, Laws of 1981 and RCW 28A.58.824 are each amended to read as follows:

The ~~((council for postsecondary education))~~ higher education coordinating board shall have the responsibility for administration of the Washington scholars program. The program will be developed cooperatively with the Washington association of secondary school principals, a voluntary professional association of secondary school principals. The cooperation of other state agencies and private organizations having interest and responsibility in public and private education shall be sought for planning assistance.

Sec. 33. Section 4, chapter 54, Laws of 1981 and RCW 28A.58.826 are each amended to read as follows:

The ~~((council for postsecondary education))~~ higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.58.822(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the state board of education, the office of superintendent of public instruction, the council of presidents, the state board for community college education, and the Washington friends of higher education.

Sec. 34. Section 5, chapter 54, Laws of 1981 and RCW 28A.58.828 are each amended to read as follows:

Each year on or before March 1st, the Washington association of secondary school principals shall submit to the ~~((council for postsecondary education))~~ higher education coordinating board the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW 28A.58.826.

Sec. 35. Section 6, chapter 54, Laws of 1981 and RCW 28A.58.830 are each amended to read as follows:

Washington scholars annually shall be selected from among the students so identified. The ~~((council for postsecondary education))~~ higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The ~~((council))~~ board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the ~~((council))~~ board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 36. Section 2, chapter 73, Laws of 1979 as amended by section 1, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.020 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish guidelines under which the ~~((council for postsecondary education))~~ higher education coordinating board shall contract to establish multi-purpose service centers and programs to provide necessary training opportunities, counseling,

and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. 37. Section 3, chapter 73, Laws of 1979 and RCW 28B.04.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Council" means the council for postsecondary education~~) "Board" means the higher education coordinating board.

(2) "Center" means a multipurpose service center for displaced homemakers as described in RCW 28B.04.040.

(3) "Program" means those programs described in RCW 28B.04.050 which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.

(4) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

Sec. 38. Section 4, chapter 73, Laws of 1979 as amended by section 2, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.040 are each amended to read as follows:

(1) The ~~((council))~~ board, in consultation with state and local governmental agencies, community groups, and local and national organizations concerned with displaced homemakers, shall receive applications and may contract with public or private nonprofit organizations to establish multipurpose service centers for displaced homemakers. In determining sites and administering agencies or organizations for the centers, the ~~((council))~~ board shall consider the experience and capabilities of the public or private nonprofit organizations making application to provide services to a center.

(2) (~~(Not later than ninety days after June 7, 1979:)~~) The ~~((council))~~ board shall issue rules prescribing the standards to be met by each center in accordance with the policies set forth in this chapter. Continuing funds for the maintenance of each center shall be contingent upon the determination by the ~~((council))~~ board that the center is in compliance with the contractual conditions and with the rules prescribed by the ~~((council))~~ board.

Sec. 39. Section 5, chapter 73, Laws of 1979 as amended by section 3, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.050 are each amended to read as follows:

(1) Each center contracted for under this chapter shall include or provide information and referral to the following services:

(a) Job counseling services which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities; and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development;

(b) Job training and job placement services which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which lead to gainful employment;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors;

(c) Health counseling services, including referral to existing health programs, with respect to:

(i) General principles of preventative health care;

(ii) Health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Family health care and nutrition;

(iv) Alcohol and drug abuse; and

(v) Other related health care matters;

(d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters;

(e) Educational services, including:

(i) Outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Information about such other programs as are determined to be of interest and benefit to displaced homemakers by the ((council)) board;

(f) Legal counseling and referral services; and

(g) Outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the ((council)) board determines would be of interest and benefit to displaced homemakers.

(2) The staff positions of each multipurpose center contracted for in accordance with RCW 28B.04.040, including supervisory, technical, and administrative positions, shall, to the maximum extent possible, be filled by displaced homemakers.

Sec. 40. Section 6, chapter 73, Laws of 1979 as amended by section 4, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.060 are each amended to read as follows:

The ((council)) board may contract, where appropriate, with public or private nonprofit groups or organizations serving the needs of displaced homemakers for programs designed to:

(1) Provide direct services to displaced homemakers, including job counseling, job training and placement, health counseling, financial management, educational counseling, legal counseling, and referral services as described in RCW 28B.04.050;

(2) Provide state-wide outreach and information services for displaced homemakers; and

(3) Provide training opportunities for persons serving the needs of displaced homemakers, including those persons in areas not directly served by programs and centers established under this chapter.

Sec. 41. Section 7, chapter 73, Laws of 1979 as amended by section 5, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.070 are each amended to read as follows:

The ((council)) board shall submit to the legislature ~~((an evaluation at the end of the first two years and))~~ a biennial evaluation ~~((beginning))~~ in January ~~((1984))~~ of each even-numbered year. The evaluations may include recommendation for future programs as determined by the ((council)) board.

Sec. 42. Section 8, chapter 73, Laws of 1979 as amended by section 6, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.080 are each amended to read as follows:

(1) The ((council)) board shall consult and cooperate with the department of social and health services; the state board for community college education; the superintendent of public instruction; the commission for vocational education; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.); and any other persons or agencies as the ((council)) board deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The ((council)) board shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate state-wide information to the centers, related agencies, and interested persons upon request.

Sec. 43. Section 11, chapter 73, Laws of 1979 and RCW 28B.04.110 are each amended to read as follows:

The ((council)) board may, in carrying out this chapter, accept, use, and dispose of contributions of money, services, and property; PROVIDED, That funds generated within individual centers may be retained and utilized by those centers. All moneys received by the ((council)) board or any employee thereof pursuant to this section shall be deposited in a depository approved by the state treasurer. Disbursements of such funds shall be on authorization of the ((council)) board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 44. Section 3, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 283, Laws of 1981 and RCW 28B.05.030 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" includes, but is not limited to, an academic, vocational, technical, home study, business, professional, or other school, institution, college, or university, or other organization or person not exempted under RCW 28B.05.040, offering educational credentials, instruction, or services primarily to persons who have completed or terminated their secondary education, or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.

(2) "To operate", means to establish, keep, or maintain any facility or location in this state where, from, or through which education is offered or educational credentials are offered or granted, and includes contracting for the performance of any such act.

(3) "To offer" includes, in addition to its usual meanings, to advertise, or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.

(4) "To grant" includes to award, issue, sell, confer, bestow, or give.

(5) "Education" or "educational services" includes but is not limited to, any class, course, or program of training, instruction, or study.

(6) "Chief administrative officer" means the person designated by the institution under RCW 28B.05.070.

(7) "Agent" means a person owning an interest in, employed by, or representing for remuneration an educational institution within or without this state, who enrolls or personally attempts to secure the enrollment in such school of a resident of this state, offers to award educational credentials for remuneration on behalf of any such school, or holds himself or herself out to residents of this state as representing an educational institution for any such purpose.

(8) "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.

(9) "Entity" includes but is not limited to a person, company, firm, society, association, partnership, corporation, and trust.

(10) "Degree granting institution" shall mean an educational institution, which offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree or certificate beyond the secondary level.

(11) "Private vocational school" shall mean an educational institution, the objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations which are not designated as professional or requiring a baccalaureate or higher degree.

(12) "Private nonvocational school" shall mean any educational institution that is not a "degree granting institution" or a "private vocational school."

(13) "Dual purpose institution" shall mean any educational institution which satisfies the definitions of both (a) "degree-granting institution" and (b) "private vocational school" or "private nonvocational school." Either the ~~((council for postsecondary education))~~ higher education coordinating board or the commission for vocational education may be selected by the "dual purpose institution" for purposes of complying with the requirements of RCW 28B.05.080, 28B.05.090, 28B.05.100 and 28B.05.110.

(14) "Agency" shall mean the ~~((council for postsecondary education))~~ higher education coordinating board in the case of degree granting institutions and the commission for vocational education in the case of private vocational schools and private nonvocational schools.

Sec. 45. Section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050 are each amended to read as follows:

The commission for vocational education with respect to private vocational schools, the ~~((council for postsecondary education))~~ higher education coordinating board with respect to degree granting institutions, shall:

(1) Establish more detailed criteria to implement the standards set forth in RCW 28B.05.060;

(2) Maintain a list of educational institutions registered in this state under this chapter, which list shall separately identify dual purpose institutions and be available to the public; upon the registration of a "dual purpose institution" insure that such registration is communicated to the council for postsecondary education and the commission for vocational education;

(3) Adopt reasonable rules and regulations in accordance with chapter 34.04 RCW, the administrative procedure act, for enforcing and carrying out the provisions and purposes of this chapter;

(4) Investigate on its own initiative or in response to any complaint filed with it, any person, group, or entity subject to, or reasonably believed by the agency to be subject to, the jurisdiction of this chapter; and in connection therewith, to administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to such investigation;

(5) Coordinate the policies and rules developed under subsections (1) and (3) of this section so as to develop where possible consistent procedures and standards applicable to degree-granting institutions, private vocational school, and dual purpose institutions.

Sec. 46. Section 13, chapter 188, Laws of 1979 ex. sess. as amended by section 3, chapter 283, Laws of 1981 and RCW 28B.05.130 are each amended to read as follows:

The executive director or executive coordinator of the agency may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if the executive director or executive coordinator finds (1) that such suspension or modification will not frustrate the purposes of this chapter and (2) that the educational services to be offered address a substantial, demonstrated need among residents of the state of Washington or that literal application of this chapter works a manifestly unreasonable hardship on the educational institution: PROVIDED, That the chief administrative officer of the institution, after hearing, shall

be entitled to appeal the decision of the executive director or executive coordinator to the commission for vocational education or the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 47. Section 2, chapter 169, Laws of 1983 and RCW 28B.07.020 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the ~~((council for postsecondary education))~~ higher education coordinating board.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, materialmen, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

Sec. 48. Section 3, chapter 169, Laws of 1983 as amended by section 62, chapter 287, Laws of 1984 and RCW 28B.07.030 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive ~~((coordinator))~~ director of the ~~((state council for postsecondary education))~~ higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the

governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

Sec. 49. Section 4, chapter 169, Laws of 1983 and RCW 28B.07.040 are each amended to read as follows:

The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

- (1) To promulgate rules in accordance with chapter 34.04 RCW;
- (2) To adopt an official seal and to alter the same at pleasure;
- (3) To maintain an office at any place or places as the authority may designate;
- (4) To sue and be sued in its own name, and to plead and be impleaded;
- (5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;
- (6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;
- (7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;
- (8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;
- (9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;
- (10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;
- (11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees

and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the ~~((council for postsecondary education))~~ higher education coordinating board to determine project priorities under the purposes of this chapter; and

(15) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

Sec. 50. Section 28B.10.020, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.020 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the higher education coordinating board under section 5 of this 1985 act.

Sec. 51. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the ~~((council for postsecondary education))~~ higher education coordinating board in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 52. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the ~~((council for postsecondary education))~~ higher education coordinating board in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said ~~((council))~~ board directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to ~~((his))~~ the student's parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the ~~((council))~~ board.

The ~~((council))~~ board shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 53. Section 3, chapter 14, Laws of 1979 as last amended by section 1, chapter 113, Laws of 1981 and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) ~~((hereof))~~ of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. The ~~((council for postsecondary education))~~ higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.

Sec. 54. Section 1, chapter 13, Laws of 1980 and RCW 28B.10.790 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they qualify as a "needy student" under RCW 28B.10.802(3), and (2) the institution attended is a member institution of an accrediting association recognized by rule of the ~~((council))~~ higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.10.822.

Sec. 55. Section 2, chapter 13, Laws of 1980 and RCW 28B.10.792 are each amended to read as follows:

The ~~((council))~~ higher education coordinating board shall develop guidelines for determining the conditions under which an institution can be determined to be directly affected by a reciprocity agreement for the purposes of RCW 28B.10.790: PROVIDED, That no institution shall be determined to be directly affected unless students from the county in which the institution is located are provided, pursuant to a reciprocity agreement, access to Washington institutions at resident tuition and fee rates to the extent authorized by Washington law.

Sec. 56. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 1, chapter 235, Laws of 1979 ex. sess. and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the ~~((council))~~ board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a full time student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) ~~((above))~~ of this section who demonstrates to the ~~((council))~~ board the financial inability, either through ~~((his))~~ the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who

would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify (~~him~~) the student for enrollment as a full time student.

(5) "Commission" or ("~~council~~") "board" shall mean the (~~council for postsecondary education created in RCW 28B.80.010 as now or hereafter amended~~) higher education coordinating board.

Sec. 57. Section 1, chapter 23, Laws of 1972 ex. sess. as amended by section 17, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.840 are each amended to read as follows:

The term "institution of higher education" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean the state board for community college education and the (~~council on (for) postsecondary education~~) higher education coordinating board.

Sec. 58. Section 4, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.040 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the (~~commission on~~) higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

The share from funds disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

Sec. 59. Section 5, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.050 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall disburse college work-study funds after consideration of recommendations of a panel convened by the (~~commission on~~) higher education coordinating board, and composed of representatives of eligible institutions and post-secondary education advisory and governing bodies. Said commission shall establish criteria for the panel designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 60. Section 6, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.060 are each amended to read as follows:

The (~~commission on~~) higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 61. Section 7, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.070 are each amended to read as follows:

Each eligible institution shall submit to the ~~((commission on))~~ higher education coordinating board an annual report in accordance with such requirements as are promulgated by the commission.

Sec. 62. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 285, Laws of 1983 and RCW 28B.15.012 are each 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 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 ~~((he))~~ 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 ~~((his))~~ 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; or (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: 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 ~~((he))~~ 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 resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service 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 ~~((he))~~ the student intends to remain, and to which ~~((he))~~ the student expects to return when ~~((he))~~ 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 ~~((council for postsecondary education))~~ higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or ~~((his))~~ 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 ~~((council))~~ board may require.

~~((((6) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.))~~

Sec. 63. Section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 2, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Unless proven to the contrary it shall be presumed that:

(a) The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(b) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington; any resident

dependent student who remains in this state when such student's parents, having theretofore been domiciled in this state for a 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, remove from this state, shall be entitled to continued classification as a resident student so long as such student's attendance (except summer sessions) at an institution in this state is continuous.

(3) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington primarily for purposes other than educational, the rules and regulations adopted by the (~~council for postsecondary education~~) higher education coordinating board shall include but not be limited to the following:

(a) Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required will be a factor in considering evidence of the establishment of a Washington domicile.

(b) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(c) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of classification shall be considered a ruling on a contested case subject to court review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 64. Section 4, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.015 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board, upon consideration of advice from representatives of the state's institutions with the advice of the attorney general, shall adopt rules and regulations to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency.

Sec. 65. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070 are each amended to read as follows:

The house and senate (~~higher education~~) committees responsible for higher education shall develop, in cooperation with the (~~council for postsecondary education~~) higher education coordinating board and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education (~~no later than~~) by December (1981, and at) of each (two-year interval thereafter) odd-numbered year, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which general tuition and operating fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the (~~council~~) board shall be deemed to be approved.

Sec. 66. Section 4, chapter 257, Laws of 1981 as amended by section 17, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.076 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 67. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as

now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged general tuition, operating, and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the ((council for postsecondary education)) higher education coordinating board that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states ~~((or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis)).~~

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour general tuition and operating fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 68, Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The ((council for postsecondary education)) higher education coordinating board shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

Sec. 69, Section 1, chapter 80, Laws of 1979 as amended by section 1, chapter 104, Laws of 1983 and RCW 28B.15.730 are each amended to read as follows:

(1) The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the ((council for postsecondary education)) higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.

(2) The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of and to the extent permitted by an agreement between the ((council for postsecondary education)) higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

Sec. 70, Section 2, chapter 80, Laws of 1979 and RCW 28B.15.732 are each amended to read as follows:

Prior to January 1~~(;)~~ of each odd-numbered year the ((council for postsecondary education)) higher education coordinating board, in cooperation with the state board for community college education, and in consultation with appropriate agencies and officials in the state of Oregon, shall determine for the purposes of RCW 28B.15.730 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the ((council)) board determine that the state of Oregon has experienced a greater net tuition and fee revenue loss than institutions in

Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institutions in Oregon an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Oregon, minus twenty-five thousand dollars for each year of the biennium: PROVIDED, That appropriate officials in the state of Oregon agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Oregon.

Sec. 71. Section 3, chapter 80, Laws of 1979 and RCW 28B.15.734 are each amended to read as follows:

The ~~((council for postsecondary education))~~ higher education coordinating board may enter into an agreement with appropriate officials or agencies in Oregon to implement the provisions of RCW 28B.15.730 through 28B.15.734.

Sec. 72. Section 4, chapter 80, Laws of 1979 as amended by section 2, chapter 104, Laws of 1983 and RCW 28B.15.736 are each amended to read as follows:

By January 10 of each odd-numbered year, the ~~((council for postsecondary education))~~ higher education coordinating board shall review the costs and benefits of this program and shall transmit copies ~~((or of))~~ of their review to the governor and the appropriate policy and fiscal committees of the legislature.

Sec. 73. Section 1, chapter 166, Laws of 1983 and RCW 28B.15.750 are each amended to read as follows:

The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Idaho, upon completion of and to the extent permitted by an agreement between the ~~((council for postsecondary education))~~ higher education coordinating board and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

Sec. 74. Section 2, chapter 166, Laws of 1983 and RCW 28B.15.752 are each amended to read as follows:

Prior to January 1 of each odd-numbered year, the ~~((council for postsecondary education))~~ higher education coordinating board, in cooperation with the state board for community college education and in consultation with appropriate agencies and officials in the state of Idaho, shall determine for the purposes of RCW 28B.15.750 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the ~~((council))~~ board determine that the state of Idaho has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institution in Idaho an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Idaho, minus twenty-five thousand dollars for each year of the biennium if the appropriate officials in the state of Idaho agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Idaho.

Sec. 75. Section 3, chapter 166, Laws of 1983 and RCW 28B.15.754 are each amended to read as follows:

The ~~((council for postsecondary education))~~ higher education coordinating board may enter into an agreement with appropriate officials or agencies in the state of Idaho to implement RCW 28B.15.750 and 28B.15.752. By January 10 of each odd-numbered year, the ~~((council))~~ board shall review the costs and benefits of any agreement entered into under RCW 28B.15.750 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the ~~((council))~~ board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 76. Section 4, chapter 166, Laws of 1983 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the ~~((council for postsecondary education))~~ higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

Sec. 77. Section 5, chapter 166, Laws of 1983 and RCW 28B.15.758 are each amended to read as follows:

The ~~((council for postsecondary education))~~ higher education coordinating board may enter into an agreement with appropriate officials or agencies in the Canadian province of British Columbia to implement RCW 28B.15.756. The agreement should provide for a balanced exchange of enrollment opportunities, without payment of excess tuition or fees, for residents of the state of Washington or the Canadian province of British Columbia. By January 10 of each odd-numbered year, the ~~((council))~~ board shall review the costs and benefits of any agreement entered into under RCW 28B.15.756 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the ~~((council))~~ board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 78. Section 6, chapter 166, Laws of 1983 (uncodified) is amended to read as follows:  
~~((Sections one through five of this act))~~ RCW 28B.15.750 through 28B.15.758 shall expire on June 30, 1987.

Sec. 79. Section 1, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.760 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the ~~((council for postsecondary education))~~ higher education coordinating board.

(2) ~~((“Council” means the council for postsecondary education))~~ "Board" means the higher education coordinating board.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

Sec. 80. Section 2, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.762 are each amended to read as follows:

(1) The ~~((council))~~ board may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the ~~((council))~~ board for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The ~~((council))~~ board is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of 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 ~~((council))~~ board is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the ~~((council))~~ board as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the ~~((council for postsecondary education))~~ higher education coordinating board and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections under subsection (2) of this section. The ~~((council))~~ board shall maintain accurate records of

these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) The ~~((council for postsecondary education))~~ board shall adopt necessary rules to implement this section.

Sec. 81. Section 3, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.764 are each amended to read as follows:

The ~~((council for postsecondary education))~~ board and institutions of higher education shall work cooperatively to implement RCW 28B.15.762 and to publicize this program to eligible students.

Sec. 82. Section 10, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.20.280 are each amended to read as follows:

The board of regents of the University of Washington may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 83. Section 12, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.30.500 are each amended to read as follows:

The board of regents of Washington State University may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 84. Section 4, chapter 14, Laws of 1979 and RCW 28B.35.205 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and ~~((recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 85. Section 1, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.206 are each amended to read as follows:

In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section shall be subject to the review and ~~((favorable recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 86. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of seventeen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Six of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, and a representative of the ~~((council for postsecondary education))~~ higher education coordinating board.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 87. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee and coordinate the high-technology education and training program.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(b) Identify economic areas with high-technology industries in need of technical training critical to economic renewal or economic development and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the ~~((council for postsecondary education))~~ higher education coordinating board during the ~~((council's))~~ board's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the ~~((council for postsecondary education))~~ higher education coordinating board over the review of new degree programs as established in ~~((RCW 28B.00.035))~~ section 6(2) of this 1985 act; and

~~((f))~~ (f) (Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources; and

~~((g))~~ (g) Prepare and submit to the legislature before the first day of each regular session an annual report on the Washington high-technology education and training program including, but not limited to:

(i) An evaluation of the program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

Sec. 88. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 89. Section 4, chapter 174, Laws of 1975 1st ex. sess. as amended by section 3, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the ~~((council on))~~ higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 90. Section 12, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 151, Laws of 1979 and RCW 28C.04.510 are each amended to read as follows:

The governor is hereby authorized, with the advice of the office of financial management to determine to which of the following state agencies those functions of the coordinating council for occupational education not (~~herein~~) transferred by chapter 174, Laws of 1975 1st ex. sess. to the commission for vocational education shall be transferred: The (~~council on~~) higher education coordinating board; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges; the employment security department; the state library, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this chapter shall remain within the jurisdiction of the commission.

Sec. 91. Section 28B.10.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 278, Laws of 1984 and RCW 28B.10.050 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education (~~that~~) which meet or exceed the minimum entrance requirements established under (~~RCW 28B.10.045~~) section 6(2) of this 1985 act.

Sec. 92. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 75, Laws of 1977 and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under section 6(2) of this 1985 act. Completion of

examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. 93. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 75, Laws of 1977 and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under section 6(2) of this 1985 act. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

~~((6))~~ (7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

~~((7))~~ (8) Provide for holding agricultural institutes including farm marketing forums.

~~((8))~~ (9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

~~((9))~~ (10) Provide training in military tactics for those students electing to participate therein.

~~((10))~~ (11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

((††)) (12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

((†‡)) (13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

((†‡)) (14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

((†‡)) (15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

((†‡)) (16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

((†‡)) (17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

((†‡)) (18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

((†‡)) (19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

((†‡)) (20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

((‡‡)) (21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

((‡‡)) (22) Supervise and control the agricultural experiment station at Puyallup.

((‡‡)) (23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

((‡‡)) (24) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

((‡‡)) (25) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant

for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

((25)) (26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 94. Section 48, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 95. Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as amended by section 68, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 96. Section 6, chapter 14, Laws of 1979 as last amended by section 3, chapter 246, Laws of 1981 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district:

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3):

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of community college boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to section 5(5) of this 1985 act:

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district:

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary:

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

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations:

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

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board:

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes:

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

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

(19) Subject to the approval of the higher education coordinating board pursuant to section 5(4) of this 1985 act, may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

**NEW SECTION.** Sec. 97. Washington State and Eastern Washington Universities shall establish, in cooperation with the council for postsecondary education or its successor agency, a joint center for higher education in Spokane on or before January 1, 1986.

**NEW SECTION.** Sec. 98. (1) The joint center for higher education shall coordinate all undergraduate and graduate degree programs, and all other seminars, courses, and programs of any type offered in the Spokane area by Washington State University and by Eastern Washington University outside of its Cheney campus. The joint center for higher education shall not coordinate the intercollegiate center for nursing.

(2) The joint center for higher education shall coordinate the following higher education activities in the Spokane area outside of the Eastern Washington University Cheney campus:

(a) Articulation between lower division and upper division programs;

(b) The participation of Washington State University in its joint engineering program with Gonzaga University and in its joint engineering management program with Eastern Washington University and Gonzaga University; and

(c) All contractual negotiations between public and independent colleges and universities.

(3) The participating institutions in the joint center for higher education shall maintain jurisdiction over the content of the course offerings and the entitlement to degrees.

(4) Disputes regarding which programs are to be coordinated by the joint center for higher education shall be arbitrated by the council for postsecondary education or its successor agency. The decision of the arbitrating agency shall be binding.

NEW SECTION. Sec. 99. (1) The joint center for higher education shall be administered by a board consisting of:

(a) Two representatives of Eastern Washington University appointed by the board of trustees;

(b) Two representatives of Washington State University appointed by the board of regents;

(c) One representative of the community colleges in the Spokane area appointed by the board of trustees of the Spokane community college district; and

(d) Two citizens residing in Spokane county. The governor, with the consent of the senate, shall appoint the initial members, one for a two-year term and one for a four-year term. Subsequent citizen board members shall be appointed for four-year terms by the remaining voting members of the board.

(2) The executive coordinator or designee of the council for postsecondary education or its successor agency shall serve as a nonvoting member of the board.

(3) Each of the seven voting members shall have one vote. The voting members shall select a chairperson. A majority of the voting members shall constitute a quorum for conducting business.

NEW SECTION. Sec. 100. The board of the joint center for higher education shall hire a director who may hire other staff as necessary to carry out the center's duties. The director shall have the status of resident dean at the center and of dean at both Washington State and Eastern Washington Universities.

NEW SECTION. Sec. 101. Washington State University and Eastern Washington University shall each allocate at least fifty thousand dollars per year to implement sections 97 through 102 of this act. The board shall contract for financial and personnel services, or provide such services through other means as agreed upon by the board.

NEW SECTION. Sec. 102. The board of regents of Washington State University and the board of trustees of Eastern Washington University shall be responsible for achieving improved cooperation and joint use of resources and facilities between the two institutions. The governing boards of the two public universities shall report to the appropriate standing committees of the legislature on their actions and recommendations by January 1 of 1987 and 1989.

NEW SECTION. Sec. 103. Sections 97 through 102 of this act shall constitute new sections in Title 28B RCW.

NEW SECTION. Sec. 104. Sections 1 through 14 of this act are each added to chapter 28B.80 RCW.

NEW SECTION. Sec. 105. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.240;

(2) Section 3, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.244;

(3) Section 18, chapter 278, Laws of 1984 and RCW 28B.10.045;

(4) Section 20, chapter 278, Laws of 1984 and RCW 28B.10.052;

(5) Section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010;

(6) Section 2, chapter 277, Laws of 1969 ex. sess., section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020;

(7) Section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030;

(8) Section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035;

(9) Section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040;

(10) Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050;

(11) Section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060;

(12) Section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070;

(13) Section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080;

(14) Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090;

(15) Section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120;

(16) Section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220; and

(17) Section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900.

NEW SECTION. Sec. 106. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 197, Laws of 1983 and RCW 43.131.259; and

(2) Section 29, chapter 197, Laws of 1983 and RCW 43.131.260.

NEW SECTION. Sec. 107. 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. 108. 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. Section 106 of this act shall take effect June 30, 1985. Sections 1 through 96, and 105 of this act shall take effect January 1, 1986, but any steps that may be necessary to ensure that this act is implemented on its effective dates may be taken immediately."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.80.110, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.200, 28B.80.210, 28B.80.230, 28B.80.240, 28B.80.250, 28B.80.260, 28B.80.270, 28B.80.280, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.05.030, 28B.05.050, 28B.05.130, 28B.07.020, 28B.07.030, 28B.07.040, 28B.10.020, 28B.10.215, 28B.10.220, 28B.10.650, 28B.10.790, 28B.10.792, 28B.10.802, 28B.10.840, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.543, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.736, 28B.15.750, 28B.15.752, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.760, 28B.15.762, 28B.15.764, 28B.20.280, 28B.30.500, 28B.35.205, 28B.40.206, 28B.65.040, 28B.65.050, 28B.65.060, 28C.04.040, 28C.04.510, 28B.10.050, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.140; amending section 6, chapter 166, Laws of 1983 (uncodified); adding new sections to chapter 28B.80 RCW; adding new sections to Title 28B RCW; creating new sections; repealing RCW 28B.40.240, 28B.40.244, 28B.10.045, 28B.10.052, 28B.80.010, 28B.80.020, 28B.80.030, 28B.80.035, 28B.80.040, 28B.80.050, 28B.80.060, 28B.80.070, 28B.80.080, 28B.80.090, 28B.80.120, 28B.80.220, 28B.80.900, 43.131.259, and 43.131.260; providing effective dates; and declaring an emergency."

Signed by Senators Gaspard, Patterson and Rinehart; Representatives Sommers, Prince and Jacobsen.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3376 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3400 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 3400, changing provisions relating to state mineral, oil and gas leases, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 167, chapter 255, Laws of 1927 and RCW 79.01.668 are each amended to read as follows:

At any time during the life of the option contract, the holder thereof may apply to the commissioner of public lands for a coal mining lease of the lands included therein, or such portion thereof as he may specify, for the purpose of mining and extraction of coal therefrom. Such coal mining lease shall be for such term, not more than twenty years, and in such form as may be prescribed by the commissioner of public lands, shall entitle the lessee to mine and sell and dispose of all coal underlying said lands and to occupy and use so much of the surface thereof as may be necessary for bunkers and other outside works, and for railroads, buildings, appliances and appurtenances in connection with the mining operations. Such lease shall provide for the payment to the state of a royalty, according to the grade of coal, for each ton of two thousand (~~two hundred and forty~~) pounds of merchantable coal taken from the lands, as follows: For lignite coal of the class commonly found in Lewis and Thurston counties, not less than ten cents per ton; for subbituminous coal, not less than fifteen cents per ton; for high grade bituminous and coking coals, not less than twenty cents per ton; but such lease shall provide for the payment each year of a minimum royalty of not less than one nor more than ten dollars an acre for the lands covered thereby: PROVIDED, That the commissioner of public lands may

agree with the lessee that said minimum royalty shall be graduated for the different years of said lease so that a lower minimum royalty shall be paid during the earlier years of the term. The minimum royalty fixed in the lease shall be paid in advance each year, and the lessee, at stated periods during the term of the lease, fixed by the commissioner, shall furnish to the commissioner of public lands a written report under oath showing the amount of merchantable coal taken from the land during the period covered by such report and shall remit therewith such sum in excess of the minimum royalty theretofore paid for the current year as may be payable as royalty for the period covered by such report.

~~((Failure on the part of any lessee to comply with the foregoing provisions, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived.))~~ The commissioner shall incorporate in every lease such provisions and conditions not inconsistent with the provisions of this chapter and not inconsistent with good coal mining practice as he shall deem necessary and proper for the protection of the state, and, in addition thereto, the commissioner shall be empowered to prescribe such rules and regulations, not inconsistent with this chapter and not inconsistent with good mining practice, governing the manner and methods of mining as in his judgment are necessary and proper.

Sec. 2. Section 2, chapter 131, Laws of 1955 and RCW 79.14.020 are each amended to read as follows:

The commissioner is authorized to lease public lands for the purpose of prospecting for, developing and producing oil, gas or other hydrocarbon substances. Each such lease is to be composed of not more than six hundred forty acres, except a lease on river bed, lake bed, tide and submerged lands which is to be composed of not more than one thousand nine hundred twenty acres. All leases shall contain such terms and conditions as may be prescribed by the rules and regulations adopted by the commissioner in accordance with the provisions of this chapter. ~~((At)) Leases ~~((shall))~~ may be for an initial term(~~((s))~~) of from five up to ten years and may be extended for so long thereafter as lessee shall comply with the provisions hereof and (1) shall produce any of said substances from the leased lands, ((and shall comply with the provisions hereof;)) or (2) shall be engaged in drilling, deepening, repairing, or redrilling any well thereon, or be thereafter excused therefrom but not to exceed a period of twenty years(~~((The lessee shall have preferential right to a new lease covering such lands for an additional twenty-year period on the same terms and conditions as set forth in such previous lease))~~), except the lease shall be continued for a producing well as long as it is producing or is covered by a unit plan to which the commissioner has consented to participate in under RCW 78.52.450.~~

Sec. 3. Section 3, chapter 131, Laws of 1955 as amended by section 1, chapter 151, Laws of 1980 and RCW 79.14.030 are each amended to read as follows:

The department of natural resources shall require as a prerequisite to the issuing of any lease a rental as set by the board of natural resources but not less than one dollar and twenty-five cents per acre or such prorated share of the rental per acre as the state's mineral rights ownership for the first year of such lease, payable in advance to the department of natural resources at the time the lease is awarded and a like rental annually in advance thereafter so long as such lease remains in force: PROVIDED, That such rental shall cease at such time as royalty accrues to the state from production from such lease. Commencing with the lease year beginning on or after oil, gas or other hydrocarbon substances are first produced in quantities deemed paying quantities by lessee on the land subject to such lease, lessee shall pay a minimum royalty as set by the board of natural resources but not less than five dollars per acre or fraction thereof or such prorated share of the rental per acre as the state's mineral rights ownership at the expiration of each year. Royalties payable by the lessee shall be the royalties from production as provided for in RCW 79.14.070 or the minimum royalty provided herein, whichever is greater: PROVIDED, That if such lease is unitized, the minimum royalty shall be payable only on the leased acreage after production is obtained in such paying quantities from such lease.

Sec. 4. Section 5, chapter 131, Laws of 1955 and RCW 79.14.050 are each amended to read as follows:

All leases shall provide that if oil, gas or other hydrocarbon substances are not encountered on or before the end of the initial ~~((five-year))~~ term, the lease shall not terminate if the lessee is then prosecuting drilling operations on the leased lands with due diligence, in which event the same shall remain in force so long as lessee shall keep one string of tools in operation on the leased lands, allowing not to exceed ninety days between the completion of one well and the commencement of the next until such substances are encountered in quantities deemed paying quantities by lessee. All leases shall further provide that if oil, gas or other hydrocarbon substances in paying quantities shall have been discovered on the leased lands prior to the expiration of the initial ~~((five-year))~~ term, then in the event at any time after the expiration of the initial ~~((five-year))~~ term production on the leased land shall cease from any cause, the lease shall not terminate provided lessee resumes operations for the drilling of a well or the restoration of production within ninety days from such cessation. The lease shall remain in force during the prosecution of such operations, and if production results therefrom, then so long as production continues.

Sec. 5. Section 12, chapter 64, Laws of 1970 ex. sess. as amended by section 4, chapter 215, Laws of 1984 and RCW 78.44.110 are each amended to read as follows:

The permit fees required under this chapter shall be as follows:

(1) The basic fee for the permit shall be two hundred fifty dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in RCW 78.44.130; PROVIDED, That permits for land not engaged in surface mining on or before June 7, 1984, shall be twenty-five dollars per permit year. A twenty-five dollar permit shall not constitute an operating permit. If a person holding a twenty-five dollar permit begins surface mining during the year, that person shall pay the remainder of the two hundred fifty dollar fee.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in RCW 78.44.130.

(3) All fees collected shall be deposited in the general fund.

NEW SECTION. Sec. 6. A new section is added to chapter 38.52 RCW to read as follows:

The department of emergency management shall consult with appropriate local, state, federal, and private sector officials in developing a comprehensive state mine rescue plan. The plan shall identify mine rescue resources, set forth a framework for a coordinated response to mine rescue emergencies, identify shortfalls, and recommend solutions.

The draft of the comprehensive state mine rescue plan and a schedule for submittal of the final plan shall be submitted to the legislature on January 13, 1986.

NEW SECTION. Sec. 7. A new section is added to chapter 43.12 RCW to read as follows:

The department of natural resources shall work with federal officials and private mine owners to ensure the prompt sealing of open holes and mine shafts that constitute a threat to safety.

NEW SECTION. Sec. 8. A new section is added to chapter 43.12 RCW to read as follows:

The owner of each mine shall make a map of the surface of the property. The owner of each active mine shall make a map of the underground workings. All maps shall be filed with the department of natural resources. The department shall establish by rule the scale and contents required for the maps.

NEW SECTION. Sec. 9. A new section is added to chapter 38.52 RCW to read as follows:

No person engaged in mine rescue or recovery work who, in good faith, renders emergency care, rescue, assistance, or recovery services at the scene of any emergency at or in a mine in this state or who employs, sponsors, or represents any person rendering emergency care, rescue, assistance, or recovery services shall be liable for any civil damages as a result of any act or omission by any person in rendering emergency care, rescue, assistance, or recovery service.

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 "Relating to" strike the remainder of the title and insert "the exploration and extraction of nonrenewable resources; amending RCW 79.01.668, 79.14.020, 79.14.030, 79.14.050, and 78.44.110; adding new sections to chapter 38.52 RCW; and adding new sections to chapter 43.12 RCW."

Signed by Senators Owen, Patterson and Peterson; Representatives K. Wilson, Sutherland and Lundquist.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 3400 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3500 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3500, regulating tourist and agricultural directional signs along state highways, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

On page 10, line 10 of the House Committee Amendment, as amended, strike everything through "655.309(a)," on page 11 and insert the following:

"Sec. 4. Section 4, chapter 80, Laws of 1974 ex. sess. as last amended by section 2, chapter 142, Laws of 1985 and RCW 47.42.047 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Such specific information panels and tourist oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. secs. 655.308(a) and 655.309(a)."

On page 14, after line 38 of the House Committee Amendment, as amended, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 47.42 RCW to read as follows:

Directional signs for state parks within fifteen miles of an interstate highway shall be erected and maintained on the interstate highway by the department despite the existence of additional directional signs on primary or scenic system highways in closer proximity to such state parks.

NEW SECTION. Sec. 8. A new section is added to chapter 47.42 RCW to read as follows:

To be eligible for placement of a business sign on a specific information panel a lodging activity shall:

(1) Be licensed or approved by the department of social and health services or county health authority;

(2) Provide adequate sleeping and bathroom accommodations available for rental on a daily basis; and

(3) Provide public telephone facilities."

On page 15, line 8 of the committee amendment, after "47.42.080;" insert "adding new sections to chapter 47.42 RCW:"

Signed by Senators Peterson and Hansen; Representatives Zellinsky, Schmidt and Fisher.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 3500 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3516 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3516, providing for instruction in Spanish and Japanese in grades one through six, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that it is important for the students and future citizens of our state to become fluent in a foreign language, particularly the languages of Pacific Rim countries and Latin American countries..

**NEW SECTION.** Sec. 2. The superintendent of public instruction may grant funds to five selected school districts to conduct a foreign language pilot program in Spanish or Japanese in one elementary school within each of the selected districts. The pilot program shall be conducted for two school years after this section takes effect in grades one through six. The superintendent of public instruction in selecting five school districts for participation in the pilot program shall select five diverse school districts at least two of which shall teach Spanish and two of which shall teach Japanese.

**NEW SECTION.** Sec. 3. The superintendent of public instruction shall establish a procedure for accepting applications from districts wishing to participate in the foreign language pilot program and establish criteria for selecting districts to receive funding. In selecting districts to participate, the superintendent shall consider the following factors:

- (1) The availability of existing district resources for the foreign language pilot project including certificated teachers already employed by the district as instructors or consultants;
- (2) The availability of volunteers, who are native speakers of the language, as instructors;
- (3) Use of secondary school and foreign language students as tutors or aides; and
- (4) Diversity in the format of the pilot program to assure that various methods on instruction will be able to be evaluated.

**NEW SECTION.** Sec. 4. The superintendent of public instruction shall evaluate the effectiveness of the foreign language pilot program and report to the legislature on the program and its effectiveness in January, 1988.

Sec. 5. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 340, Laws of 1977 ex. sess. 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. 6. If specific funding for purposes of this act, referencing this act by bill number is not provided in the omnibus appropriations act enacted before July 1, 1986, sections 1, 2, 3, and 4 of this act shall be null and void. Sections 1, 2, 3, and 4 of this act shall be of no effect unless such specific funding is so provided. If such funding is so provided, sections 1, 2, 3, and 4 of this act shall take effect when the legislation providing the funding takes effect."

On page 1, line 1 of the title, after "languages;" strike the remainder of the title, and insert "amending RCW 28A.67.020; and creating new sections."

Signed by Senators Gaspard, Craswell and Bauer; Representatives Valle, Peery and L. Smith.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3516 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 4142 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 4142, revising laws regulating the organization of school districts, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

On page 6, after line 22, strike all the material down to and including "facilities." on page 9, line 31 and insert the following:

"Sec. 9. Section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 6, Laws of 1985 and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of ~~((the county))~~ each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the ~~((county))~~ educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the ~~((county))~~ regional committee to provide for satisfactory improvement in the school district system of the ~~((county))~~ educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the ~~((county))~~ regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 or 28A.57.200 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the ~~((county))~~ regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The ~~((county))~~ regional committee shall cause notice to be ~~((posted))~~ given, at least ten days prior to the date appointed for any such hearing, ~~((a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is~~

involved in a question of adjustment of bonded indebtedness: (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing)) in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by ~~((newspaper;))~~ radio~~(;)~~ and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the office of financial management shall be divided into directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the ~~((county))~~ regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section~~(; except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly-used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby))~~.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities."

On page 21, line 28, strike "two pupils" and insert "~~((two))~~ five kindergarten through eighth grade pupils during the preceding school year, including the 1984-85 school year and any subsequent school year."

On page 27, after line 19, strike all the material down to and including "plan." on page 28, line 5 and insert the following:

"Sec. 33. Section 28A.56.020, chapter 223, Laws of 1969 ex. sess. as amended by section 91, chapter 7, Laws of 1985 and RCW 28A.56.020 are each amended to read as follows:

The ~~((said county))~~ regional committee on school district organization shall give consideration to:

(1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other non-high school district within which the establishment of a high school within a period of two years is warranted;

(3) The assessed valuation of the school districts involved;

(4) The cash balance, if any, in the capital projects fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan."

On page 30, line 20, strike "(... Bill No. ...)" and insert "(Senate Bill No. 4142)"

On page 30, after line 28, insert the following:

"NEW SECTION. Sec. 39. Each educational service district superintendent shall review the enrollment of all school districts within their educational service district and make any report required by RCW 28A.57.200 within thirty days of the effective date of this section.

This section shall expire December 31, 1985.

NEW SECTION. Sec. 40. Sections 24 and 39 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber remaining section.

On page 1, beginning on line 8 of the title, strike "and adding new sections to chapter 28A.57 RCW" and insert "adding new sections to chapter 28A.57 RCW; creating a new section; and declaring an emergency"

Signed by Senators Gaspard and Bender; Representatives Ebersole, Wang and Holland.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 4142 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4241 and has granted said committee the powers of Free Conference and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4241, authorizing the state employees' insurance board to disapprove certain panel medicine group plans, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.005 are each amended to read as follows:

The legislature, recognizing the desirability of maintaining a healthy work force in order to promote the efficiency and productivity of the employees and officials working for the state and political subdivisions, ~~((declares))~~ finds it to be in the best interest of the state and political subdivisions to provide comprehensive health care to ~~((state))~~ public employees and officials and their dependents, while at the same time there is an increased need for comprehensive public oversight of the costs of and expenditures for health care services. The legislature also finds that, by increasing the coverage group, the state may affect the cost not only to the state for employee costs but also the overall costs in the state.

It is therefore the purpose of this chapter to establish health care plans that provide comprehensive health care for all qualified ~~((state))~~ public employees and officials and their dependents ~~((which plans will be funded by the employer to the fullest extent possible))~~.

Sec. 2. Section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 90, chapter 3, Laws of 1983 and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the ~~((state))~~ public employees' insurance board established under the provisions of RCW 41.05.025.

(2) "Employee" shall include all full time, certificated, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; certificated and classified employees of a school district; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all permanent part time ~~((and temporary))~~ employees under the terms and conditions established by the board; 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.

(3) "Fund" means the public employees' insurance fund created in this chapter.

(4) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan, and also includes a health maintenance organization holding a valid certificate of registration under chapter 48.46 RCW.

~~((4))~~ (5) "Trustee" shall mean the director of personnel.

Sec. 3. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 68, chapter 287, Laws of 1984 and RCW 41.05.025 are each amended to read as follows:

(1) (a) There is hereby created a ~~((state))~~ public employees' insurance board to be composed ~~((of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel.))~~ as follows:

(i) Three representatives of state agencies, four-year institutions of higher education, community colleges, and school districts;

(ii) Three representatives of employee unions and associations, including retirees;

(iii) Three public members who are knowledgeable about the provision and management of employee benefits;

(iv) One member of the senate appointed by the president of the senate and one member of the house of representatives appointed by the speaker of the house.

(b) All members, except the members of the legislature, shall be appointed by the governor. The term of office shall be four years for each member. However, in making the initial appointments, the governor shall designate two members from each of the three groups to serve initial terms of two years. The governor shall designate a chair from among the public members.

The board shall prescribe rules for the conduct of its business and shall elect a ~~((chairman and vice chairman))~~ vice-chair annually, except that the vice-chair shall not serve successive terms of office. Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060~~((and legislative members shall receive allowances provided for in RCW 44.04.120)).~~

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every ~~((five))~~ four years, commencing December 1, 1985.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and ~~((a plan to be provided by))~~ a panel medicine plan in its service area only when approved by the board: PROVIDED, That the board may disapprove the offering of any panel medicine plan provided by an organization which declines to enter into an agreement to: (a) Provide flexibility in benefit design to promote cost containment; (b) offer premium rating based on the adjusted community rate of the public employees' insurance board group; and (c) provide periodic, but not less than annual, expense accounting for premium rating. However, the board may negotiate a delay of up to twelve months for implementation of (a), (b), and (c) of this subsection (3) with respect to a panel medicine plan provided by an organization which does not initially have such internal administrative procedure

as may be required for the plan to comply with such terms. The board's bidding procedures and negotiations with organizations providing panel medicine plans shall not require federally qualified organizations to violate federal laws and regulations.

The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.010(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(5) The board shall maintain necessary statistics regarding membership demographics, including marital mix, revenue and claims experience, utilization, and whatever additional data may be required by an actuary to provide reports or information to the board and others.

(6) (a) The board may self-fund or self-insure programs under its jurisdiction, except property and casualty insurance authorized under subsection (4) of this section. The board may contract for payment of claims or other administrative services including the purchase of excess loss liability insurance for programs under its jurisdiction. If programs under the jurisdiction of the board do not require the prepayment of reserves the board shall establish that such reserves be maintained for the payment of claims as are normally required for that method of providing that type of insurance. Reserves established by the board shall be held in respective separate trust accounts of the public employees' insurance fund as established by RCW 41.05.040 by the state treasurer.

(b) Group disability coverage provided as a self-insured program of the board shall provide conversion rights in accordance with RCW 48.21.260.

(c) Group disability coverage provided as a self-insured program of the board shall conform with the requirements of RCW 48.21.200 (1) and (2).

(d) The board shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions and affairs of any program created under this subsection (6).

(e) Members of the board shall be deemed to stand in a fiduciary relationship to the employees covered by any insurance program created under this subsection (6) and shall discharge the duties of their respective positions in good faith and with that diligence, care and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(7) The board shall file an annual report of the financial condition, transactions and affairs of any program under the board's jurisdiction. The report shall also contain actuarial information regarding the adequacy of the reserves established for the type of insurance being offered. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, and the office of the state auditor. The statement shall be signed by a member of the American Academy of Actuaries certifying that the actuarial amounts are computed in accordance with commonly accepted actuarial standards; and include all actuarial reserves and related statement items required for the sound operation of any employee benefits program.

(8) Premium rates for health care benefit plans made available to school district or educational service district employees may be based on the actual claims experience of those employees.

Sec. 4. Section 3, chapter 39, Laws of 1970 ex. sess. as last amended by section 1, chapter 38, Laws of 1975 1st ex. sess. and RCW 41.05.030 are each amended to read as follows:

(1) The ~~((state employees' insurance))~~ board shall have the following powers and duties, in addition to any other powers and duties prescribed by law: (a) To authorize the ~~((director of~~

personnel)) trustee to appoint a benefits supervisor, to whom the ((director)) trustee may delegate his duties hereunder, and other necessary personnel, subject to the jurisdiction of the state civil service law, chapter 41.06 RCW; (b) to authorize other necessary administrative expenses; and (c) to provide for the expenditure of funds ((in the state employees' insurance revolving fund)), subject to legislative appropriation, for payment of premiums, to reduce employee contributions or increase benefits, and (~~subject to legislative appropriation;~~) to pay salaries and wages and other necessary administrative expenses.

(2) The ((director of the department of personnel shall be)) trustee ((and)) shall be administrator of all health benefit and insurance contracts((:

He)) and shall transmit contributions for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the ((state employees insurance revolving)) fund. ((He)) The trustee shall provide facilities and services necessary for the purpose of the board and its operations, subject to full reimbursement by the board for the cost thereof.

(3) Every division, department, or separate agency of state government and each participating political subdivision shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board.

Sec. 5. Section 4, chapter 39, Laws of 1970 ex. sess. as last amended by section 24, chapter 57, Laws of 1985 and RCW 41.05.040 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "(state) public employees' insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends, reserves, and refunds, ((and)) for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board, and for payments authorized by RCW 41.05.025(6) and 41.05.030(2). Moneys from the ((state employees insurance)) fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. ((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund.))

(2) The state treasurer and the state investment board may invest moneys in the fund. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The public employees' insurance board shall determine whether the state treasurer or the state investment board or both shall invest moneys in the fund. Except as provided for in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the fund and the separate accounts which may be created under RCW 41.05.025.

Sec. 6. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 2, chapter 242, Laws of 1981 and RCW 43.84.090 are each amended to read as follows:

Except as provided in RCW 41.05.040, twenty percent of all income received from such investments shall be deposited in the state general fund.

Sec. 7. Section 9, chapter 2, Laws of 1983 as last amended by section 1, chapter 107, Laws of 1984 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such school district, county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the ((state employees insurance)) board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the ((state employees insurance)) board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for ((state)) employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the ((state employees insurance)) fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the ((state employees insurance)) board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, ((That provision for school district personnel shall not be made under this chapter: PROVIDED FURTHER.)) That insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(3) The ((trustee with the assistance of the)) department of personnel shall survey representative private industry and public employers in the state of Washington to determine ((the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board)) (a) the type of coverage provided, the number of employees covered, and the premium per type of coverage, (b) the major components within the type of coverage, and (c) utilization. Such survey shall be conducted ((during each even-numbered year)) by the state actuary at least every four years but may be conducted more frequently. The results of the survey shall be reported to the board ((for its use in setting the amount of the

recommended employer contribution to the employee insurance benefit program covered by this chapter)) and the legislature.

(4) The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 8. Section 7, chapter 39, Laws of 1970 ex. sess. as last amended by section 5, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.070 are each amended to read as follows:

The cost of any health care insurance contracts or plans to any department, division or separate agency of state, school district, county, municipal, or other political subdivision of the state ((government)) shall be paid by any officer authorized to disburse such funds to the trustee for payment of the contributions due pursuant to any such contract authorized by the board.

Sec. 9. Section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 82, Laws of 1974 ex. sess. and RCW 41.04.180 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420 or chapter 41.05 RCW.

Sec. 10. Section 1, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.205 are each amended to read as follows:

(1) School district personnel may participate in the insurance program administered under chapter 41.05 RCW. 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 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 program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to ((school district personnel provided for in RCW 28A.58.420 and)) 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 the effective date of this 1985 act 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)) public employees' insurance board, as defined in RCW 41.05.010 ((as now or hereafter amended)), 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)) public employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for.

Sec. 11. Section 5, chapter 59, Laws of 1969 as last amended by section 3, chapter 28, Laws of 1983 1st ex. sess. and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the ((state)) public employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the ((state)) public employees' insurance board.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

Sec. 12. Section 39, chapter 274, Laws of 1947 as last amended by section 2, chapter 135, Laws of 1982 and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules and regulations that may be promulgated by the ((state)) public employees' insurance board and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 13. Section 18, chapter 15, Laws of 1983 and RCW 47.64.270 are each amended to read as follows:

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the ((state)) public employees' insurance board, under chapter 41.05 RCW. The ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180.

However, after July 1, 1984, any amount by which the employer contribution for ferry system employees' and dependents' insurance and health care plans exceeds that provided for other state agencies shall reduce the funds available for compensation purposes, pursuant to RCW 47.64.180.

Sec. 14. Section .24.01, chapter 79, Laws of 1947 as amended by section 11, chapter 147, Laws of 1973 1st ex. sess. and RCW 48.24.010 are each amended to read as follows:

(1) No contract of life insurance shall hereafter be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in this chapter, and unless in compliance with the other provisions of this chapter.

(2) Subsection (1) of this section shall not apply to contracts of life insurance

(a) insuring only individuals related by marriage, by blood, or by legal adoption; or

(b) insuring only individuals having a common interest through ownership of a business enterprise, or of a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) insuring the lives of employees and retirees under contracts executed with the ((state)) public employees' insurance board under the provisions of chapter 41.05 RCW.

Sec. 15. Section 19, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.180 are each amended to read as follows:

(1) The state government, or any political subdivision thereof, which offers its employees a health benefits plan shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which such employees or members reside.

(2) Except as provided in RCW 41.05.025(3), each employer, public or private, having more than fifty employees in this state which offers its employees a health benefits plan, and each employee benefits fund in this state having more than fifty members which offers its members any form of health benefits shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside: PROVIDED, That unless at least twenty-five employees agree to participate in a health maintenance organization the employer need not provide such an option: PROVIDED FURTHER, That where such employees are members of a bona fide bargaining unit covered by a labor-management collective bargaining agreement, the selection of the options required by this section may be specified in such agreement: AND PROVIDED FURTHER, That the provisions of this section shall not be mandatory where such members are covered by a Taft-Hartley health care trust, except that the labor-management trustees may contract with a health maintenance organization if a feasibility study determines it is to the advantage of the members to so contract.

(3) Subsections (1) and (2) of this section shall impose no responsibilities or duties upon state government or any political subdivision thereof or any other employer, either public or private, to provide health maintenance organization coverage when no health maintenance organization exists for the purpose of providing health care services in the geographic areas in which the employees or members reside.

(4) No employer in this state shall in any way be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract of obligation for the provision of health benefits between such employer and its employees.

NEW SECTION. Sec. 16. A new section is added to chapter 48.62 RCW to read as follows:

(1) School districts and educational service districts may, either individually or in combination with other such districts, self-fund their employees' loss of time and health benefit plans if (a) the plans, their manner of operation, and the managers meet standards established by the superintendent of public instruction; and (b) the plan is fully covered by an excess loss insurance policy issued by an insurer which has a certificate authorizing it to provide insurance in this state. Self-funded plans shall also comply with the mandatory coverage provisions of chapter 48.44 RCW. Claims under such plans shall be administered by competent, disinterested third parties acting independently of all school districts and their personnel. Such a plan or any trust established thereunder shall not be deemed to be an insurance company and shall not be deemed to be engaged in the business of insurance for purposes of the insurance code.

(2) Any plan authorized by this section is not subject to chapter 48.42 RCW and shall be subject to audit by the state auditor.

(3) School districts and educational service districts may also enroll employees in health benefit plans offered by the public employees' insurance board.

Sec. 17. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 255, Laws of 1977 ex. sess. and RCW 28A.58.420 are each amended to read as follows:

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. The board of directors may contract with the public employees' insurance board to provide coverage under chapter 41.05 RCW. The coverage may be provided by contracts with insurance companies authorized to do business in this state under chapter 48.05 RCW, self-insurance, or self-funding pursuant to chapter 48.62 RCW. Whenever funds shall be 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. 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 inter-school activities on the behalf of or as representative of their school or school district. 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. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

On page 1, beginning on line 1 of the title, after "health care," strike the remainder of the title and insert "amending RCW 41.05.005, 41.05.010, 41.05.025, 41.05.030, 41.05.040, 43.84.090, 41.05.050, 41.05.070, 41.04.180, 41.04.205, 41.04.230, 41.40.380, 47.64.270, 48.24.010, 48.46.180, and 28A.58.420; adding a new section to chapter 48.62 RCW; providing an effective date; and declaring an emergency."

Signed by Senators Sellar and McDermott; Representatives Niemi, B. Williams and Braddock.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 4241 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3654 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1987, out of the several funds specified in this act.

NEW SECTION, Sec. 2. (1) As used in this act, the following phrases have the following meanings:

"Common School Constr Fund" means Common School Construction Fund;

"GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;

"GF, St Bldg Constr Acct" means General Fund—State Building Construction Account;

"GF, St Fac Renew Acct" means State Facilities Renewal Account;

"GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;

"GF, ORA" means General Fund—Outdoor Recreation Account;

"GF, Sal Enhmt Constr Acct" means General Fund—Salmon Enhancement Construction Account;

"GF, For Dev Acct" means General Fund—Forest Development Account;

"GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;

"GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"GF, DSHS Constr Acct" means General Fund—State Social and Health Services Construction Account;

"GF, CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;

"GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;

"GF, WSU Bldg Acct" means General Fund—Washington State University Building Account;

"GF, St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;

"GF, EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;

"GF, TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;

"GF, Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;

"GF, Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;

"GF, Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;

"GF, CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;

"GF, UW Bldg Acct" means General Fund—University of Washington Building Account;

"GF, St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;

"GF, WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;

"GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;

"GF, Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;

"GF, LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;

"GF, State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;

"GF, LIRA, Waste Fac 1980" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"GF, LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;

"GF, LIRA" means General Fund—State and Local Improvement Revolving Account;

"GF, LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;

"GF, PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;

"GF, Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;

"GF, H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;

"GF, H Ed Reimb S/T Bonds Acct" means General Fund—Higher Education Reimbursable Short-Term Bonds Account;

"MV, St Patrol Hiwy Acct" means Motor Vehicle Fund—State Patrol Highway Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

#### INDEX

Arts Commission, sec. 707

Central Washington University, secs. 398-413

Commerce and Economic Development Department, secs. 558-560

Community College Education Board, secs. 310-353

Community Development Department, sec. 257

Convention and Trade Center, sec. 663

Corrections Department, secs. 240-257

Eastern Washington State Historical Society, secs. 704-705

Eastern Washington University, secs. 389-397

Ecology Department, secs. 501-509

Education, State Board of, secs. 301-309

Emergency Management Department, secs. 134-135

Evergreen State College, secs. 414-424

Financial Management Office, sec. 133

Fisheries Department, secs. 561-598

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General Administration Department, secs. 102-131  
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 Parks and Recreation Commission, secs. 510-557  
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 Social and Health Services Department, secs. 201-233  
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 Veterans Affairs Department, secs. 234-239  
 Vocational Education Commission, secs. 354-356  
 Washington State Historical Society, secs. 701-703  
 Washington State University, secs. 377-388  
 Western Washington State University, secs. 425-428

## PART I

## GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE SECRETARY OF STATE

Archives renovation: King county (CI-86-1-004)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		95,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
73,000		168,000

NEW SECTION, Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Nondeterrable repair projects (CR-83-1-R02)

	Reappropriation	Appropriation
GF, Cap Bldg & Dev Acct	107,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
469,000		576,000

NEW SECTION, Sec. 103. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor improvements (CR-83-R-004)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
32,000		72,000

NEW SECTION, Sec. 104. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus conveyance system repair, phase II (CR-83-R-005)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	56,000	
GF, St Fac Renew Acct		852,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
137,000	1,381,000	2,426,000

NEW SECTION, Sec. 105. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus roof repairs (CR-83-R-006)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
198,000		298,000

NEW SECTION, Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus water distribution system repairs, phase II (CR-83-R-007)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	110,000	
GF, St Bldg Constr Acct		544,000

Project Costs Through 6/30/85 65,000	Estimated Costs 7/1/87 and Thereafter 450,000	Estimated Total Costs 1,169,000
<u>NEW SECTION.</u> Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION State library: Fire protection systems (CR-83-4-008)		
GF, Cap Bldg Constr Acct	Reappropriation 370,000	Appropriation
Project Costs Through 6/30/85 29,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 399,000
<u>NEW SECTION.</u> Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Campus accessibility improvements, phase II (CI-83-R-013)		
GF, Cap Bldg Constr Acct	Reappropriation 34,000	Appropriation
GF, Cap Purch & Dev Acct	50,000	
GF, St Fac Renew Acct		31,000
Project Costs Through 6/30/85 502,000	Estimated Costs 7/1/87 and Thereafter 709,000	Estimated Total Costs 1,326,000
<u>NEW SECTION.</u> Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Energy retrofit projects (CI-83-R-015)		
GF, Cap Bldg Constr Acct	Reappropriation 510,000	Appropriation 630,000
GF, Cap Purch & Dev Acct	228,000	
GF, St Fac Renew Acct		50,000
Project Costs Through 6/30/85 140,000	Estimated Costs 7/1/87 and Thereafter 878,000	Estimated Total Costs 2,436,000
<u>NEW SECTION.</u> Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Repairs to plaza garage (CR-83-1-020)		
GF, Cap Purch & Dev Acct	Reappropriation 225,000	Appropriation 308,000
Project Costs Through 6/30/85 137,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 670,000
<u>NEW SECTION.</u> Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Office Building No. 2 fire repairs and retrofit (CI-84-1-R11)		
GF, St Bldg Constr Acct	Reappropriation 1,980,000	Appropriation
Project Costs Through 6/30/85 1,502,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 3,482,000
<u>NEW SECTION.</u> Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Northern state multi-service center: Repairs, phase II (CR-84-R-007)		
GF, St Fac Renew Acct	Reappropriation	Appropriation 385,000
GF, St Bldg Constr Acct	600,000	
Project Costs Through 6/30/85 465,000	Estimated Costs 7/1/87 and Thereafter 2,200,000	Estimated Total Costs 3,650,000
<u>NEW SECTION.</u> Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Emergency repairs (CR-86-1-001)		
GF, Cap Bldg Constr Acct	Reappropriation	Appropriation 200,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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200,000

NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Small repairs and improvements (CR-86-1-002)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	500,000 Estimated Total Costs

500,000

NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Boiler plant structural evaluation (CR-86-1-003)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	67,000 Estimated Total Costs

67,000

NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
State facilities routine maintenance program: Inventory and standards (CR-86-1-004)

General Fund, State	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	400,000 Estimated Total Costs

400,000

NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol Lake dam repair (CR-86-1-006)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	209,000 Estimated Total Costs

209,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol campus heating, ventilation, and air conditioning repairs (CR-86-1-009)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	250,000 Estimated Total Costs

250,000

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Temple of Justice renovation (CR-86-1-011)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
GF, St Fac Renew Acct		600,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	48,000 Estimated Total Costs
	10,000,000	10,648,000

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Campus sidewalk and street repairs (CR-86-1-012)

		Reappropriation	Appropriation
GF, St Fac Renew Acct			45,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	875,000		920,000
<u>NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Legislative Building renovation (CR-86-2-013)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			970,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,581,000		2,551,000
<u>NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus roof repairs (CR-86-2-015)			
		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct			248,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	130,000		378,000
<u>NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus building exterior repairs (CR-86-2-016)			
		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct			190,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,500,000		1,690,000
<u>NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus building: Interior revisions (CI-86-1-017)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			284,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			284,000
<u>NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Campus electrical system revisions (CI-86-2-019)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			390,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			390,000
<u>NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>			
Capitol Lake preservation (CR-86-2-024)			
		Reappropriation	Appropriation
GF, Cap Bldg Constr Acct			1,294,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			1,294,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
House Office Building remodel (CR-86-2-025)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
GF, St Bldg Constr Acct	150,000	
Project	Estimated	2,764,000
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,302,000		4,216,000

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Dawley property acquisition (CI-86-4-027)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		390,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		390,000

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Campus irrigation repairs and landscaping (CR-86-2-030)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project		100,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	398,000	498,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Former Thurston County Courthouse renovation (CI-86-2-028)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		520,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		520,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Archives Building renovation (CI-88-2-004)

GF, Cap Purch & Dev Acct	Reappropriation	Appropriation
Project		10,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	550,000	560,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF PERSONNEL  
State employees pilot day care project

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project		90,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		90,000

NEW SECTION, Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Restoration cost analysis: McNeil Island; long-term need and cost benefit study of constructing an intensive management unit at the Washington State Reformatory (CR-86-4-L50)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		150,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		150,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT  
Repairs to headquarters building roof and heating system (CR-86-1-006)

GF, St Fac Renew Acct	Reappropriation	Appropriation
		30,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  30,000
<u>NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT</u>		
Water retention structure: Green and Toulle rivers (CI-86-1-001)		30,000
Reappropriation		Appropriation 13,000,000
GF. St Bldg Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  13,000,000
The appropriation in this section is subject to the following conditions and limitations:		
(1) The appropriation in this section shall lapse if the federal government does not appropriate and authorize a single retention structure at the Green River site on the North Fork Toulle River; and		
(2) Any moneys appropriated under this section for the acquisition of lands, easements, and rights of way may be transferred to the federal government in accordance with federal law if the federal government acts on behalf of the state to acquire the necessary lands, easements, and rights of way.		
<u>NEW SECTION, Sec. 136. FOR THE MILITARY DEPARTMENT</u>		
Unit training equipment site (CI-84-1-001)		324,000
Reappropriation		1,429,000
General Fund, Federal		
Project Costs Through 6/30/85 9,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  1,762,000
<u>NEW SECTION, Sec. 137. FOR THE MILITARY DEPARTMENT</u>		
Organizational maintenance shop (CI-84-1-002)		83,000
Reappropriation		192,000
General Fund, Federal		
Project Costs Through 6/30/85 1,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  276,000
<u>NEW SECTION, Sec. 138. FOR THE MILITARY DEPARTMENT</u>		
Tacoma Armory structural renovation (CR-86-1-001)		2,000,000
Reappropriation		93,000
GF. St Bldg Constr Acct		
Project Costs Through 6/30/85 212,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  2,305,000
<u>NEW SECTION, Sec. 139. FOR THE MILITARY DEPARTMENT</u>		
Watercraft support maintenance center (CI-86-1-003)		3,024,000
Reappropriation		5,591,000
General Fund, Federal		
Project Costs Through 6/30/85 90,000	Estimated Costs 7/1/87 and Thereafter 2,477,000	Estimated Total Costs  5,591,000
<u>NEW SECTION, Sec. 140. FOR THE MILITARY DEPARTMENT</u>		
Minor works (CI-86-1-005)		1,040,000
Reappropriation		6,145,000
GF. St Fac Renew Acct		
Project Costs Through 6/30/85 1,174,000	Estimated Costs 7/1/87 and Thereafter 3,931,000	Estimated Total Costs  6,145,000
<u>NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT</u>		

## Facility contingency (CR-86-2-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		475,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
600,000	1,210,000	2,285,000

NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT  
South King County Armory (CI-86-3-007)

	Reappropriation	Appropriation
General Fund, Federal	1,260,000	207,000
GF, St Bldg Constr Acct	489,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,956,000

NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT  
Organizational maintenance shop (CI-88-1-009)

	Reappropriation	Appropriation
General Fund, Federal		22,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	303,000	325,000

## PART II

## HUMAN RESOURCES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Referendum 37 projects (CI-79-3-R01)

Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps involving eleven projects, of which two are reductions in scope from prior legislative approval. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1985, and approved by March 31, 1986.

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	
GF, LIRA, DSHS Fac		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
20,758,000		25,090,000

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Referendum 29 projects (CR-79-3-R02)

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac	1,200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
100,000		1,300,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Utilities and fire safety improvements, phase IV: Fircrest (CR-79-1-R21)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	425,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,431,000		2,856,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Artwork for 225-bed addition, Western State Hospital (CI-79-4-005)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	75,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85 21,111.000	7/1/87 and Thereafter	Costs  21,186.000
<u>NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Construct and equip habilitation center: Lakeland Village (CI-79-R-009)		
	Reappropriation 1,400.000	Appropriation 5,462.000
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 18,365.000	7/1/87 and Thereafter	Costs  25,227.000
<u>NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Evergreen Center renovation, phase IV: Rainier School (CR-79-R-017)		
	Reappropriation 2,094.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 26,586.000	7/1/87 and Thereafter 10,113.000	Costs  38,793.000
<u>NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Multi-purpose facility: Yakima Valley School (CI-79-R-039)		
	Reappropriation 5,000.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 9,061.000	7/1/87 and Thereafter	Costs  14,061.000
<u>NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Construct and equip new state public health laboratory (CI-81-3-R10)		
	Reappropriation 2,900.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 8,362.000	7/1/87 and Thereafter	Costs  11,262.000
<u>NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Energy conservation program (CR-81-2-R11)		
	Reappropriation 625.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 1,706.000	7/1/87 and Thereafter	Costs  2,331.000
<u>NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Health, safety, facility, utility, and roofing: Western State Hospital (CR-81-1-033)		
	Reappropriation 475.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 1,856.000	7/1/87 and Thereafter	Costs  2,331.000
<u>NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Renovation, repair, and construction related to small projects (CR-83-2-R01)		
	Reappropriation 1,300.000	Appropriation
GF, DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 1,501.000	7/1/87 and Thereafter	Costs  2,801.000
<u>NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u> Emergency generator: Western State Hospital (CR-83-2-005)		

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	305,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
351,000	Thereafter	
		656,000

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Fire safety improvements: Western State Hospital (CR-83-1-006)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	225,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
64,000	Thereafter	
		289,000

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Repair and upgrade utilities: Maple Lane School (CR-83-2-007)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	562,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
47,000	Thereafter	
		609,000

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Repair and upgrade utilities: Green Hill School (CR-83-2-008)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	155,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
152,000	Thereafter	
		307,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Preplanning (CI-83-4-009)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	4,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
298,000	Thereafter	
		302,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Construct three living units: Child study and treatment center (CI-83-3-012)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	50,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
195,000	Thereafter	
		4,895,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Convert dormitories for school and gym: Frances H. Morgan (CR-83-R-015)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	375,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
2,237,000	Thereafter	
	4,175,000	6,814,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate wards: Eastern State Hospital (CR-83-R-016)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	2,900,000	
Costs	Estimated	Estimated
Through	Costs	Total
	7/1/87 and	Costs
	Thereafter	

	6/30/85	Thereafter	
	394,000		3,294,000
<u>NEW SECTION.</u> Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Renovate wards: Western State Hospital, phase II (CR-83-R-017)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		2,900,000	10,998,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
1,105,000			15,003,000
<u>NEW SECTION.</u> Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Artwork for education building: Green Hill School (CI-83-4-020)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		10,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
1,790,000			1,800,000
<u>NEW SECTION.</u> Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Fire safety improvements: Safety (CR-84-1-017)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		850,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
650,000			1,500,000
<u>NEW SECTION.</u> Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Kitchen renovation and correct security safety hazards: Mission Creek (CR-84-1-033)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		24,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
36,000			60,000
<u>NEW SECTION.</u> Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Therapy pool: Interlake School (CI-84-R-034)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		5,000	1,281,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
25,000			1,311,000
<u>NEW SECTION.</u> Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Emergency and small repairs contingency (CR-86-1-010)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			977,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	2,000,000		2,977,000
<u>NEW SECTION.</u> Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Minor works request: Juvenile rehabilitation (CR-86-1-020)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			2,433,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,859,000		4,292,000
<u>NEW SECTION.</u> Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Minor works request: Mental health (CR-86-1-030)			

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	1,354,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	1,077,000	2,431,000

NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Minor works request: Developmental disabilities (CR-86-1-040)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	770,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	1,700,000	2,470,000

NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate residential and training buildings: Mission Creek (CR-86-1-202)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	2,048,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		2,048,000

NEW SECTION, Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Construct and equip two new living units: Green Hill School: PROVIDED, That a study of future use of Green Hill School is completed prior to allotment of design funds (CR-86-1-203)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	Estimated	2,600,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		2,600,000

NEW SECTION, Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Repair roads: Eastern State Hospital (CR-86-1-335)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	1,136,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		1,136,000

NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Construct and equip new building: Fircrest School (CI-86-1-403)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	Estimated	4,098,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		4,098,000

NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Prepare a comprehensive programming study for the Interlake Program and various small repairs and improvements at Interlake School (CR-86-1-408)

GF, LIRA, DSHS Fac	Reappropriation	Appropriation
Project	Estimated	169,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		169,000

NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF VETERANS AFFAIRS  
Repair and improve facilities: Omnibus (CR-81-1-R01)

GF, CEP & RI Acct	Reappropriation	Appropriation
	55,000	

	Project Costs Through 6/30/85 279,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 334,000
<u>NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>			
Emergency repairs (CR-86-1-001)			
		Reappropriation	Appropriation 75,000
GF, CEP & RI Acct	Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 75,000
<u>NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>			
Walla Walla Veterans Center (CI-86-3-002)			
		Reappropriation	Appropriation 170,500
GF, CEP & RI Acct	Project Costs Through 6/30/85 33,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 203,500
<u>NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>			
Minor projects: Soldiers' home and veterans' home (CR-86-1-003)			
		Reappropriation	Appropriation 498,000
GF, CEP & RI Acct	Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 498,000
<u>NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>			
Veterans' and soldiers' homes small repairs and improvements (CR-86-1-004)			
		Reappropriation	Appropriation 42,000
GF, CEP & RI Acct	Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 42,000
<u>NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>			
Restroom renovation: Chilson Hall (CR-86-2-012)			
		Reappropriation	Appropriation 14,000
GF, CEP & RI Acct	Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 14,000
<u>NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Water system, Washington State Reformatory (CR-83-1-006)			
		Reappropriation	Appropriation 604,000
GF, St Bldg Constr Acct	Project Costs Through 6/30/85 64,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 668,000
<u>NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center: Enlarge and remodel 600 beds (CI-83-R-029)			
		Reappropriation	Appropriation 2,395,000
GF, St Bldg Constr Acct	Project Costs Through 6/30/85 19,379,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 21,774,000

NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Facility improvements, install a boiler (CI-83-R-048)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	6,279,000	7,275,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
5,196,000	13,771,000	32,521,000

NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Construct intensive management unit (CI-86-R-L48)

	Reappropriation	Appropriation
GF, DSHS Constr Acct		9,100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,100,000

The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the long-term needs and cost benefit study of constructing the intensive management unit, to be done by the office of financial management.

NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS

State-wide omnibus: Various projects (CI-83-R-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	595,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,083,000		1,678,000

NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay: 500-person corrections center (CI-83-R-051)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	7,430,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
35,567,000		42,997,000

NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary facility renewal projects (CR-83-R-052)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	448,000	8,742,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
3,724,000		12,914,000

NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: 300 bed prototypical housing (CI-84-R-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	255,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
11,345,000		11,600,000

NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Ferry slip (CR-86-R-L13)

	Reappropriation	Appropriation
GF, CEP & RI Acct	1,028,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
25,000		1,053,000

NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers Corrections Center: Complete construction and claim defense costs (CI-81-R-01)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	757,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
33,105,300		33,862,300

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$661,500 may be spent for costs incurred in preparing the state's defense.

NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Renovation of utilities (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		3,219,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,361,000	7,580,000

NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS

Repairs to McNeil Island transportation systems (CR-86-1-004)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,245,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,200,000	4,445,000

NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (CI-86-2-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,096,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	508,000	2,604,000

NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS

State-wide small repairs and improvements (CR-86-2-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		61,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	153,000	214,000

NEW SECTION, Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center building renovations (CR-86-1-008)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,229,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	3,426,000	5,655,000

The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the facilities study to be done by the office of financial management.

NEW SECTION, Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS

State-wide emergency repair projects (CR-86-1-010)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,250,000	1,650,000

NEW SECTION, Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	400,000	500,000

NEW SECTION, Sec. 257. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Completion by the Seattle International District Chinatown Public Development Authority of the "Bush Annex" for the Wing Luke Museum.

	Reappropriation	Appropriation
General Fund, State		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		200,000

PART III  
EDUCATIONNEW SECTION, Sec. 301. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1975 (CI-75-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
15,000		55,000

NEW SECTION, Sec. 302. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1977 (CI-77-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	110,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
80,000		190,000

NEW SECTION, Sec. 303. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1979 (CI-79-3-002)

	Reappropriation	Appropriation
Common School Constr Fund	763,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
370,000		1,133,000

NEW SECTION, Sec. 304. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1981 (CI-81-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	1,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
41,000,000		42,000,000

NEW SECTION, Sec. 305. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1983 (CI-83-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	38,100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
48,298,000		86,398,000

NEW SECTION, Sec. 306. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1985-87 (CI-86-4-001)

Common School Constr Fund	Reappropriation	Appropriation
Project	Estimated	138,275,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		138,275,000
<u>NEW SECTION, Sec. 307. FOR THE STATE BOARD FOR EDUCATION</u>		
Planning grants (CI-86-4-007)		
Common School Constr Fund	Reappropriation	Appropriation
Project	Estimated	500,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		500,000
<u>NEW SECTION, Sec. 308. FOR THE STATE BOARD FOR EDUCATION</u>		
Artwork grants (CI-86-4-008)		
Common School Constr Fund	Reappropriation	Appropriation
Project	Estimated	325,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		325,000
<u>NEW SECTION, Sec. 309. FOR THE STATE BOARD FOR EDUCATION</u>		
Administrative costs (CI-86-4-009)		
Common School Constr Fund	Reappropriation	Appropriation
Project	Estimated	900,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		900,000
<u>NEW SECTION, Sec. 310. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design tech building and related remodeling: Skagit Valley (CI-86-3-021)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	200,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	4,217,000	4,417,000
<u>NEW SECTION, Sec. 311. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design of the Learning Resource Center instructional facility: South Puget Sound		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	375,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	6,043,000	6,418,000
<u>NEW SECTION, Sec. 312. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	60,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	755,000	755,000
<u>NEW SECTION, Sec. 313. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Reappropriation for 1977-79 projects (CI-77-4-R01)		
GF, Com Col Cap Proj Acct	Reappropriation	Appropriation
Project	68,000	
Costs	Estimated	Estimated
Through	Costs	Total
	7/1/87 and	Costs

6/30/85	Thereafter	
118,000		186,000
<u>NEW SECTION, Sec. 314. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Handicapped access improvements (CI-79-1-R21)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	21,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
131,000		152,000
<u>NEW SECTION, Sec. 315. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Relocate parent education (CI-79-4-R26)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	123,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
80,000		203,000
<u>NEW SECTION, Sec. 316. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Construct parking facility: Seattle Community College (CI-81-3-R01)		
	Reappropriation	Appropriation
General Fund, State	146,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
206,000		352,000
<u>NEW SECTION, Sec. 317. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Nondeferrable repairs (CR-81-1-R02)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	31,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
100,000		131,000
<u>NEW SECTION, Sec. 318. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor repair and improvement projects (CI-81-3-R05)		
	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	135,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
349,000		484,000
<u>NEW SECTION, Sec. 319. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor improvements: State board for community college education allocation (CI-81-2-12)		
	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,450,000		2,500,000
<u>NEW SECTION, Sec. 320. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor capital improvements (CI-83-2-002)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	560,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,350,000		2,910,000
<u>NEW SECTION, Sec. 321. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Roof repairs (CR-83-1-003)		

GF, St H Ed Constr Acct	Reappropriation 300.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,751.000		2,051.000
<u>NEW SECTION, Sec. 322. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Code compliance (CR-83-1-004)		
GF, St H Ed Constr Acct	Reappropriation 25.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
32.000		57.000
<u>NEW SECTION, Sec. 323. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Electrical repairs (CR-83-1-005)		
GF, St H Ed Constr Acct	Reappropriation 55.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
653.000		708.000
<u>NEW SECTION, Sec. 324. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
General repairs (CR-83-1-006)		
GF, St H Ed Constr Acct	Reappropriation 150.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
585.000		735.000
<u>NEW SECTION, Sec. 325. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Heating, ventilation, and air conditioning repairs (CR-83-2-007)		
GF, St H Ed Constr Acct	Reappropriation 230.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
862.000		1,092.000
<u>NEW SECTION, Sec. 326. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Clark College heating system (CI-83-1-008)		
GF, St H Ed Constr Acct	Reappropriation 2,150.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,566.000		4,716.000
<u>NEW SECTION, Sec. 327. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
The Evergreen State College and Clark College: Joint facility (CI-83-3-009)		
GF, St H Ed Constr Acct	Reappropriation 1,450.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
50.000		1,500.000
<u>NEW SECTION, Sec. 328. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Emergency repair and repairs, maintenance, and improvements (CR-83-1-01)		
GF, St H Ed Constr Acct	Reappropriation 100.000	Appropriation
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	
346,000		446,000
<u>NEW SECTION.</u> Sec. 329. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Repairs: Various campuses (CR-84-1-10)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
747,000		1,247,000
<u>NEW SECTION.</u> Sec. 330. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Repairs: Various campuses (CI-84-3-11)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
120,000		220,000
<u>NEW SECTION.</u> Sec. 331. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Minor works request (repairs, maintenance, and improvements) (CR-86-1-001)		
	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		3,100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		3,100,000
<u>NEW SECTION.</u> Sec. 332. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
State Board for Community College Education emergency repair fund (CR-86-1-002)		
	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000
<u>NEW SECTION.</u> Sec. 333. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Critical repair projects (CR-86-1-003)		
	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		6,556,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,556,000
<u>NEW SECTION.</u> Sec. 334. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
General repair projects (CR-86-1-004)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		9,324,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,324,000
<u>NEW SECTION.</u> Sec. 335. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Energy conservation projects (CR-86-1-005)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,497,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,497,000
<u>NEW SECTION.</u> Sec. 336. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Minor renovations (CR-86-2-006)		

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	8,094,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		8,094,000
<u>NEW SECTION, Sec. 337. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor remodel projects (CR-86-2-007)		
GF, St Fac Renew Acct	Reappropriation	Appropriation
Project	Estimated	2,050,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		2,050,000
<u>NEW SECTION, Sec. 338. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Purchase Clarkston facility (CI-86-3-008)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	500,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		500,000
<u>NEW SECTION, Sec. 339. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design and construction of vocational-science facility: Wenatchee (CI-86-3-G09)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	2,420,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		2,420,000
<u>NEW SECTION, Sec. 340. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Construct main storage building: Clark (CI-86-3-009)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	503,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		503,000
<u>NEW SECTION, Sec. 341. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Construct science facility: Spokane (CI-86-3-010)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	506,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		506,000
<u>NEW SECTION, Sec. 342. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Minor improvements: Various campuses (CI-86-3-011)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	6,007,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		6,007,000
<u>NEW SECTION, Sec. 343. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Purchase Paine Field facility: Everett (CI-86-3-012)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project	Estimated	2,090,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
		Costs

	6/30/85	Thereafter	2,090,000
<u>NEW SECTION, Sec. 344. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
District office and Edison North renovation: Seattle Central (CI-86-3-013)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			3,660,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
		4,614,000	8,274,000
<u>NEW SECTION, Sec. 345. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Purchase Wagstaff facility: Spokane (CI-86-3-014)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			900,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			900,000
<u>NEW SECTION, Sec. 346. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Construct core facility and instructional space: Whatcom (CI-86-3-015)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct		180,000	4,933,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
40,000			5,153,000
<u>NEW SECTION, Sec. 347. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Science facility: Columbia Basin (CI-86-3-016)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			2,906,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			2,906,000
<u>NEW SECTION, Sec. 348. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Replace relocatable buildings: Fort Steilacoom (CI-86-3-017)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			4,646,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			4,646,000
<u>NEW SECTION, Sec. 349. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Design of Puyallup extension facility: Fort Steilacoom (CI-86-3-150)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			275,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
		2,930,000	3,205,000
<u>NEW SECTION, Sec. 350. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Prior Hall renovation: Yakima Valley (CR-86-1-018)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			1,652,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			1,652,000
<u>NEW SECTION, Sec. 351. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Design of the heavy equipment building: South Seattle			

GF. St H Ed Constr Acct		Reappropriation	Appropriation 166,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	4,217,000		4,383,000
<u>NEW SECTION. Sec. 352. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Food service building: Olympic (CI-86-3-019)			
GF. St H Ed Constr Acct		Reappropriation	Appropriation 4,167,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			4,167,000
<u>NEW SECTION. Sec. 353. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Preplanning for 1987-89 major projects (CI-86-4-999)			
GF. St H Ed Constr Acct		Reappropriation	Appropriation 457,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			457,000
<u>NEW SECTION. Sec. 354. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Design and construct fire training facility (CI-81-4-R01)			
GF. Fire Trng Constr Acct		Reappropriation	Appropriation 440,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
6,131,000			6,571,000
<u>NEW SECTION. Sec. 355. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Minor works request (CI-86-4-002)			
GF. St Fac Renew Acct		Reappropriation	Appropriation 411,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			411,000
<u>NEW SECTION. Sec. 356. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Preplanning for fire station (CI-88-4-003)			
GF. Fire Trng Constr Acct		Reappropriation	Appropriation 16,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,019,000		1,035,000
<u>NEW SECTION. Sec. 357. FOR THE UNIVERSITY OF WASHINGTON</u>			
University Hospital expansion (CI-81-3-001)			
GF. H Ed Constr Acct		Reappropriation	Appropriation 300,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
59,396,000			75,696,000
<u>NEW SECTION. Sec. 358. FOR THE UNIVERSITY OF WASHINGTON</u>			
High rise fire safety (CR-83-1-001)			
GF. St H Ed Constr Acct		Reappropriation	Appropriation 1,040,000
GF. UW Bldg Acct		790,000	
Project	Estimated		Estimated
Costs	Costs		Total

Through 6/30/85 920,000	7/1/87 and Thereafter	Costs  2,750,000
<u>NEW SECTION.</u> Sec. 359. FOR THE UNIVERSITY OF WASHINGTON J Wing hazardous waste (CR-83-1-002)		
	Reappropriation 400,000	Appropriation
GF, H Ed Constr Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 84,000	7/1/87 and Thereafter	484,000
<u>NEW SECTION.</u> Sec. 360. FOR THE UNIVERSITY OF WASHINGTON Emergency power extension (CR-83-1-003)		
	Reappropriation 295,000	Appropriation
GF, St H Ed Constr Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 60,000	7/1/87 and Thereafter	355,000
<u>NEW SECTION.</u> Sec. 361. FOR THE UNIVERSITY OF WASHINGTON Safety: General (CR-83-1-004)		
	Reappropriation 250,000	Appropriation
GF, H Ed Constr Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 250,000	7/1/87 and Thereafter	500,000
<u>NEW SECTION.</u> Sec. 362. FOR THE UNIVERSITY OF WASHINGTON Energy conservation (CI-83-2-011)		
	Reappropriation 100,000	Appropriation
GF, St H Ed Constr Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 50,000	7/1/87 and Thereafter	150,000
<u>NEW SECTION.</u> Sec. 363. FOR THE UNIVERSITY OF WASHINGTON Roberts Hall renovation (CR-83-1-012)		
	Reappropriation 3,750,000	Appropriation
GF, H Ed Constr Acct		6,325,000
GF, H Ed Reimb S/T Bonds	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 250,000	7/1/87 and Thereafter	10,325,000
<u>NEW SECTION.</u> Sec. 364. FOR THE UNIVERSITY OF WASHINGTON Equipment (CI-83-3-999)		
	Reappropriation 1,177,000	Appropriation
GF, UW Bldg Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 2,732,000	7/1/87 and Thereafter	3,909,000
<u>NEW SECTION.</u> Sec. 365. FOR THE UNIVERSITY OF WASHINGTON Minor repairs (CR-81-1-005)		
	Reappropriation 265,000	Appropriation
GF, UW Bldg Acct	Estimated Costs	Estimated Total Costs
Project Costs Through 6/30/85 288,000	7/1/87 and Thereafter	553,000
<u>NEW SECTION.</u> Sec. 366. FOR THE UNIVERSITY OF WASHINGTON		

## Safety: Fire code (CR-86-1-001)

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		5,780,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	14,120,000	19,900,000

NEW SECTION, Sec. 367. FOR THE UNIVERSITY OF WASHINGTON

Safety: Asbestos (CR-86-1-002)

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		1,000,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	3,200,000	4,200,000

NEW SECTION, Sec. 368. FOR THE UNIVERSITY OF WASHINGTON

Safety: General (CR-86-1-003)

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		1,000,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	2,000,000	3,000,000

NEW SECTION, Sec. 369. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Capital renewal (CR-86-1-004)

GF, St Fac Renew Acct	Reappropriation	Appropriation
GF, UW Bldg Acct		511,000
Project	Estimated	3,907,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
	26,200,000	36,170,000

NEW SECTION, Sec. 370. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Program renewal (CI-86-3-005)

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		7,230,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	26,100,000	35,780,000

NEW SECTION, Sec. 371. FOR THE UNIVERSITY OF WASHINGTON

SIEG computer science: Electrical (CR-86-1-007)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project		1,120,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		1,120,000

NEW SECTION, Sec. 372. FOR THE UNIVERSITY OF WASHINGTON

Electrical engineering building: Electrical (CR-86-1-008)

GF, St Fac Renew Acct	Reappropriation	Appropriation
Project		660,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		660,000

NEW SECTION, Sec. 373. FOR THE UNIVERSITY OF WASHINGTON

G wing renovation (CR-86-1-011)

GF, H Ed Reimb S/T Bonds	Reappropriation	Appropriation
		6,297,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  6,297,000
<u>NEW SECTION, Sec. 374. FOR THE UNIVERSITY OF WASHINGTON</u>		
Fisheries renovation (CR-86-1-014)		
	Reappropriation	Appropriation 6,000,000
GF, St H Ed Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  6,000,000
<u>NEW SECTION, Sec. 375. FOR THE UNIVERSITY OF WASHINGTON</u>		
State energy audit (CI-86-4-023)		
	Reappropriation	Appropriation 945,000
GF, St H Ed Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 1,000,000	Estimated Total Costs  1,945,000
<u>NEW SECTION, Sec. 376. FOR THE UNIVERSITY OF WASHINGTON</u>		
H wing addition (CR-88-1-021)		
	Reappropriation	Appropriation 176,000
GF, H Ed Reimb S/T Bonds		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 8,803,000	Estimated Total Costs  8,979,000
<u>NEW SECTION, Sec. 377. FOR WASHINGTON STATE UNIVERSITY</u>		
Minor capital improvements (CI-83-1-001)		
	Reappropriation 1,500,000	Appropriation
GF, WSU Bldg Acct		
Project Costs Through 6/30/85 3,029,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  5,389,000
<u>NEW SECTION, Sec. 378. FOR WASHINGTON STATE UNIVERSITY</u>		
Electrical and mechanical engineering building (CI-83-3-002)		
	Reappropriation 8,016,000	Appropriation
GF, WSU Bldg Acct		
Project Costs Through 6/30/85 5,760,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  13,776,000
<u>NEW SECTION, Sec. 379. FOR WASHINGTON STATE UNIVERSITY</u>		
McCoy Hall remodeling, phase I (CI-83-3-005)		
	Reappropriation 160,000	Appropriation
GF, WSU Bldg Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  160,000
<u>NEW SECTION, Sec. 380. FOR WASHINGTON STATE UNIVERSITY</u>		
Minor capital improvements (CI-86-1-001)		
	Reappropriation	Appropriation 4,300,000
GF, WSU Bldg Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 17,040,000	Estimated Total Costs  24,667,000

NEW SECTION, Sec. 381. FOR WASHINGTON STATE UNIVERSITY  
Minor capital renewal (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	8,000,000	11,000,000

NEW SECTION, Sec. 382. FOR WASHINGTON STATE UNIVERSITY  
Construct chemistry building (CI-86-1-003)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		13,791,000
GF, WSU Bldg Acct	250,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
649,000	3,656,000	18,346,000

NEW SECTION, Sec. 383. FOR WASHINGTON STATE UNIVERSITY  
Construct food and human nutrition facility (CI-86-1-004)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		4,454,000
GF, St H Ed Constr Acct		5,850,000
GF, WSU Bldg Acct	697,000	1,700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
97,000	1,000,000	13,798,000

The appropriations in this section are subject to the following conditions and limitations:  
Funds appropriated under this section shall not be allotted for fiscal year 1986.

NEW SECTION, Sec. 384. FOR WASHINGTON STATE UNIVERSITY  
McCoy Hall capital renewal and addition (CI-86-1-005)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		2,249,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
61,000	3,302,000	5,612,000

NEW SECTION, Sec. 385. FOR WASHINGTON STATE UNIVERSITY  
Science hall renewal: Phase II and completion (CR-86-1-006)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		11,646,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
63,000		11,709,000

NEW SECTION, Sec. 386. FOR WASHINGTON STATE UNIVERSITY  
Feed preparation, mixing, and storage facility (CI-86-1-012)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000
GF, WSU Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,500,000

NEW SECTION, Sec. 387. FOR WASHINGTON STATE UNIVERSITY  
Acquisition and renewal of Neil Residence Hall (CR-86-3-007)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	3,000,000
<u>NEW SECTION.</u> Sec. 388. FOR WASHINGTON STATE UNIVERSITY		
Kalkus Lab fire: Reimbursement of emergency repair expenditures (CR-86-1-013)		
	Reappropriation	Appropriation
GF. St H Ed Constr Acct		650,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		650,000
<u>NEW SECTION.</u> Sec. 389. FOR EASTERN WASHINGTON UNIVERSITY		
Science building: Addition of laboratory space (CI-83-R-001)		
	Reappropriation	Appropriation
GF. EWU Cap Proj Acct	387,000	1,677,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
13,000	3,072,000	5,149,000
<u>NEW SECTION.</u> Sec. 390. FOR EASTERN WASHINGTON UNIVERSITY		
Minor capital reappropriations (CR-83-R-003)		
	Reappropriation	Appropriation
GF. EWU Cap Proj Acct	800,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
966,000		1,766,000
<u>NEW SECTION.</u> Sec. 391. FOR EASTERN WASHINGTON UNIVERSITY		
Electrical system renewal (CR-86-1-002)		
	Reappropriation	Appropriation
GF. St Fac Renew Acct		1,513,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,513,000
<u>NEW SECTION.</u> Sec. 392. FOR EASTERN WASHINGTON UNIVERSITY		
Roof replacement (CR-86-1-003)		
	Reappropriation	Appropriation
GF. St H Ed Constr Acct		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	600,000	1,200,000
<u>NEW SECTION.</u> Sec. 393. FOR EASTERN WASHINGTON UNIVERSITY		
Water storage and distribution (CI-86-1-004)		
	Reappropriation	Appropriation
GF. St H Ed Constr Acct		1,170,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,170,000
<u>NEW SECTION.</u> Sec. 394. FOR EASTERN WASHINGTON UNIVERSITY		
Energy conservation (CI-86-2-006)		
	Reappropriation	Appropriation
GF. St H Ed Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,000,000	1,500,000
<u>NEW SECTION.</u> Sec. 395. FOR EASTERN WASHINGTON UNIVERSITY		
Minor works projects (CR-86-1-010)		

GF, EWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated		660,000
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
	3,900,000		4,560,000
<u>NEW SECTION, Sec. 396. FOR EASTERN WASHINGTON UNIVERSITY</u>			
Small repairs and improvements (CR-86-1-011)			
GF, EWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated		76,000
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
	1,300,000		1,376,000
<u>NEW SECTION, Sec. 397. FOR EASTERN WASHINGTON UNIVERSITY</u>			
Fire suppression systems (CI-88-1-005)			
GF, St H Ed Constr Acct		Reappropriation	Appropriation
GF, EWU Cap Proj Acct			23,000
Project	Estimated		27,000
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
	4,400,000		4,450,000
<u>NEW SECTION, Sec. 398. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Utility extension (CI-79-R-003)			
GF, CWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	83,000	
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
801,000			884,000
<u>NEW SECTION, Sec. 399. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Handicapped modifications (CI-79-R-007)			
GF, St H Ed Constr Acct		Reappropriation	Appropriation
Project	Estimated	66,000	
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
466,000			532,000
<u>NEW SECTION, Sec. 400. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Utilities improvement (CI-81-R-005)			
GF, CWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	51,000	
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
219,000			270,000
<u>NEW SECTION, Sec. 401. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Energy savings: Boiler house (CI-81-R-006)			
GF, CWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	123,000	
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
412,000			535,000
<u>NEW SECTION, Sec. 402. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Utilities improvement (CI-82-R-002)			
GF, CWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	200,000	
Costs	Costs		Estimated
			Total

Through 6/30/85 34,000	7/1/87 and Thereafter	Costs	
			234,000
<u>NEW SECTION, Sec. 403. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Minor capital improvements (CI-82-R-003)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		115,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
219,000			334,000
<u>NEW SECTION, Sec. 404. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Minor capital improvements (CI-83-R-003)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		576,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
933,000			1,509,000
<u>NEW SECTION, Sec. 405. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Bouillon Hall reroofing (CR-83-R-006)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		240,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
275,000			515,000
<u>NEW SECTION, Sec. 406. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Hogue Technology and Hebler remodel (CI-83-R-007)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		750,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
196,000			946,000
<u>NEW SECTION, Sec. 407. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Provide for additional staff space: Computer center (CI-83-3-063)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		182,800	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			182,800
<u>NEW SECTION, Sec. 408. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Improvements to instructional and support space: Nicholson (CI-86-3-001)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			1,332,000
GF, CWU Cap Proj Acct			1,318,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			2,650,000
<u>NEW SECTION, Sec. 409. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Energy savings projects (CR-86-2-005)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			300,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
		412,000	712,000
<u>NEW SECTION, Sec. 410. FOR CENTRAL WASHINGTON UNIVERSITY</u>			

Minor works request (CR-86-2-007)			
GF. CWU Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated		1,819,000
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
	4,000,000		5,819,000
<u>NEW SECTION, Sec. 411. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Emergency repairs (CR-86-1-012)			
		Reappropriation	Appropriation
GF. CWU Cap Proj Acct			22,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	56,000		78,000
<u>NEW SECTION, Sec. 412. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Small repairs and improvements (CR-86-3-013)			
		Reappropriation	Appropriation
GF. CWU Cap Proj Acct			533,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	890,000		1,423,000
<u>NEW SECTION, Sec. 413. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Renewal and utilization of campus buildings (CR-88-1-001)			
		Reappropriation	Appropriation
GF. CWU Cap Proj Acct			86,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	10,374,000		10,460,000
<u>NEW SECTION, Sec. 414. FOR THE EVERGREEN STATE COLLEGE</u>			
Renovate fire protection system (CR-86-1-001)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct			994,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			994,000
<u>NEW SECTION, Sec. 415. FOR THE EVERGREEN STATE COLLEGE</u>			
Deferred maintenance and capital renewal program (CR-86-2-002)			
		Reappropriation	Appropriation
GF. St Fac Renew Acct			1,200,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	4,095,000		5,295,000
<u>NEW SECTION, Sec. 416. FOR THE EVERGREEN STATE COLLEGE</u>			
Replace roofing (three buildings) (CR-86-2-003)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct			138,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			138,000
<u>NEW SECTION, Sec. 417. FOR THE EVERGREEN STATE COLLEGE</u>			
Emergency repairs (CR-86-1-004)			
		Reappropriation	Appropriation
GF. TESC Cap Proj Acct			60,000
Project	Estimated		Estimated
Costs	Costs		Total

Through 6/30/85	7/1/87 and Thereafter	Costs	
			60,000
<u>NEW SECTION, Sec. 418. FOR THE EVERGREEN STATE COLLEGE</u>			
Minor works (group 1) (CI-86-3-005)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			309,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		309,000
<u>NEW SECTION, Sec. 419. FOR THE EVERGREEN STATE COLLEGE</u>			
Small repairs and improvements (CR-86-2-006)			
		Reappropriation	Appropriation
GF, TESC Cap Proj Acct			46,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		46,000
<u>NEW SECTION, Sec. 420. FOR THE EVERGREEN STATE COLLEGE</u>			
Code compliance renovation (CR-86-1-007)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			105,000
GF, TESC Cap Proj Acct	132,000		
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		237,000
<u>NEW SECTION, Sec. 421. FOR THE EVERGREEN STATE COLLEGE</u>			
Energy conservation projects (CR-86-2-008)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			908,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		908,000
<u>NEW SECTION, Sec. 422. FOR THE EVERGREEN STATE COLLEGE</u>			
Renovate roofing (four buildings) (CR-86-2-009)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			394,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		394,000
<u>NEW SECTION, Sec. 423. FOR THE EVERGREEN STATE COLLEGE</u>			
Minor works (group 2) (CR-86-2-010)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			145,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		145,000
<u>NEW SECTION, Sec. 424. FOR THE EVERGREEN STATE COLLEGE</u>			
Laboratory exhaust and ventilation repairs (CR-86-1-099)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			75,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		709,000
	634,000		
<u>NEW SECTION, Sec. 425. FOR WESTERN WASHINGTON UNIVERSITY</u>			

## Construct technology building and remodel art and technology building (CI-84-3-001)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,500,000
GF, WWU Cap Proj Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
372,000	2,905,000	9,977,000

NEW SECTION, Sec. 426. FOR WESTERN WASHINGTON UNIVERSITY  
Programming science facility needs (CI-86-1-002)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		50,000

NEW SECTION, Sec. 427. FOR WESTERN WASHINGTON UNIVERSITY  
Minor works request (CI-86-2-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,902,000
GF, St H Ed Constr Acct		200,000
GF, WWU Cap Proj Acct		2,707,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,419,000	6,450,000	13,678,000

NEW SECTION, Sec. 428. FOR WESTERN WASHINGTON UNIVERSITY  
Small repairs and improvements (CI-86-2-008)

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct	204,000	900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
663,000	1,800,000	3,567,000

## PART IV

## NATURAL RESOURCES

NEW SECTION, Sec. 501. FOR THE DEPARTMENT OF ECOLOGY  
Riverside: Connection to municipal system (CI-77-R-002)

	Reappropriation	Appropriation
GF, LIRA, Waste Disp Fac	98,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
40,000		138,000

NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF ECOLOGY  
St. Edward water system (CI-81-R-005)

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	220,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		220,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF ECOLOGY  
Organic sewage treatment (CI-81-R-04A)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	36,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	
91,000		127,000
<u>NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF ECOLOGY</u>		
Padilla Bay (CI-81-R-096)		
	Reappropriation	Appropriation
General Fund, Federal	150,000	
GF, ORA—State	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,396,000		1,696,000
<u>NEW SECTION, Sec. 505. FOR THE DEPARTMENT OF ECOLOGY</u>		
Blake Island water (CR-83-1-007)		
	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		88,000
<u>NEW SECTION, Sec. 506. FOR THE DEPARTMENT OF ECOLOGY</u>		
Moran sewage facilities modifications (CR-83-R-015)		
	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		78,000
<u>NEW SECTION, Sec. 507. FOR THE DEPARTMENT OF ECOLOGY</u>		
Ocean city sewer system modifications (CR-83-R-016)		
	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	120,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		120,000
The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.		
<u>NEW SECTION, Sec. 508. FOR THE DEPARTMENT OF ECOLOGY</u>		
Pacific Beach: Sewage system (CR-83-R-020)		
	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	6,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
20,000		26,000
<u>NEW SECTION, Sec. 509. FOR THE DEPARTMENT OF ECOLOGY</u>		
Test observation wells (CI-86-1-001)		
	Reappropriation	Appropriation
GF, State Emerg Water Proj Rev		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		120,000
<u>NEW SECTION, Sec. 510. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean beach access, Copalis: Initial development (CI-79-R-012)		
	Reappropriation	Appropriation
GF, ORA—State	50,000	
GF, ORA—Federal	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

	6/30/85	Thereafter	
	118,000		218,000
<u>NEW SECTION, Sec. 511. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Squak Mountain: Staged acquisition (CI-79-R-022)			
		Reappropriation	Appropriation
GF. ORA—State		5,000	
GF. ORA—Federal		5,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
70,000			80,000
<u>NEW SECTION, Sec. 512. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Clallam Bay Spit: Initial development (CI-79-R-033)			
		Reappropriation	Appropriation
GF. ORA—State		80,000	
GF. ORA—Federal		80,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
20,000			180,000
<u>NEW SECTION, Sec. 513. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Fort Worden: Kitchen and small bathhouse (CI-81-R-023)			
		Reappropriation	Appropriation
GF. ORA—State		80,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
99,000			179,000
<u>NEW SECTION, Sec. 514. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Millersylvania: CCC building restoration, phase I (CR-81-R-071)			
		Reappropriation	Appropriation
GF. ORA—State		41,000	
GF. ORA—Federal		41,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
89,000			171,000
<u>NEW SECTION, Sec. 515. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Yakima Greenway: Acquisition (CI-81-3-098)			
		Reappropriation	Appropriation
GF. ORA—State		110,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
40,000			150,000
<u>NEW SECTION, Sec. 516. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
Jones Island, Squaxin Island, and Sucia Island (CR-81-R-099)			
		Reappropriation	Appropriation
GF. LIRA. Waste Fac 1980		10,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
117,000			127,000
<u>NEW SECTION, Sec. 517. FOR THE STATE PARKS AND RECREATION COMMISSION</u>			
All areas emergency account (CR-83-R-001)			
		Reappropriation	Appropriation
GF. LIRA. Public Rec Fac		10,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
390,000			400,000

NEW SECTION, Sec. 518. FOR THE STATE PARKS AND RECREATION COMMISSION  
Complete 1979-81 state-wide energy conservation program (CR-83-R-005)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
62,000		72,000

NEW SECTION, Sec. 519. FOR THE STATE PARKS AND RECREATION COMMISSION  
Blake Island water (CR-83-1-007)

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		88,000

NEW SECTION, Sec. 520. FOR THE STATE PARKS AND RECREATION COMMISSION  
Lake Sylvia: Dam inspection and compliance repair (CR-83-R-023)

	Reappropriation	Appropriation
GF, ORA—State	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
12,000		22,000

NEW SECTION, Sec. 521. FOR THE STATE PARKS AND RECREATION COMMISSION  
St. Edward: Building repairs (CR-83-R-026)

	Reappropriation	Appropriation
GF, ORA—State	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
200,000		350,000

NEW SECTION, Sec. 522. FOR THE STATE PARKS AND RECREATION COMMISSION  
Penrose Point (CI-83-R-027)

	Reappropriation	Appropriation
GF, ORA—State	45,000	
GF, ORA—Federal	45,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
260,000		350,000

NEW SECTION, Sec. 523. FOR THE STATE PARKS AND RECREATION COMMISSION  
Energy conservation, Fort Worden (CR-83-2-106)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
105,000		255,000

NEW SECTION, Sec. 524. FOR THE STATE PARKS AND RECREATION COMMISSION  
Little Spokane River: Appraise and acquire land (CI-84-R-088)

	Reappropriation	Appropriation
GF, ORA—State	100,000	
GF, ORA—Federal	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
900,000		1,100,000

NEW SECTION, Sec. 525. FOR THE STATE PARKS AND RECREATION COMMISSION  
Seaquest: Expansion and renovation (CR-84-R-090)

	Reappropriation	Appropriation
GF, ORA—State	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
185,000		285,000

NEW SECTION, Sec. 526. FOR THE STATE PARKS AND RECREATION COMMISSION  
All areas: Emergencies (CI-86-1-001)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		450,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,150,000	1,600,000

NEW SECTION, Sec. 527. FOR THE STATE PARKS AND RECREATION COMMISSION  
Water supply facilities: State-wide (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		604,000
GF, ORA—State		27,000
GF, ORA—Federal		3,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	414,000	1,048,000

NEW SECTION, Sec. 528. FOR THE STATE PARKS AND RECREATION COMMISSION  
Sewage treatment facilities: State-wide (CR-86-1-003)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		742,000
GF, St Bldg Constr Acct		187,000
GF, ORA—State		31,000
GF, ORA—Federal		30,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	400,000	1,390,000

NEW SECTION, Sec. 529. FOR THE STATE PARKS AND RECREATION COMMISSION  
Lake Sammamish: Water ski float (CI-86-4-004)

	Reappropriation	Appropriation
GF, ORA—State		5,000
GF, ORA—Federal		4,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,000

NEW SECTION, Sec. 530. FOR THE STATE PARKS AND RECREATION COMMISSION  
Boating improvements: State-wide (CI-86-3-005)

	Reappropriation	Appropriation
GF, ORA—State		67,000
GF, ORA—Federal		43,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		110,000

NEW SECTION, Sec. 531. FOR THE STATE PARKS AND RECREATION COMMISSION  
Fort Worden pier repair: Add safety railing (CR-86-1-006)

	Reappropriation	Appropriation
GF, ORA—State		129,000
GF, ORA—Federal		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	144,000
<u>NEW SECTION. Sec. 532. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Horsethief Lake electric power revision (CR-86-1-007)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		13,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		13,000
<u>NEW SECTION. Sec. 533. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Puget Sound and San Juan Island acquisition and development (CI-86-4-014)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		50,000
GF, ORA—State		50,000
GF, ORA—Federal		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	450,000	600,000
<u>NEW SECTION. Sec. 534. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Park renovation state-wide: Referendum 28 (CR-86-1-018)		
	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac		256,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		256,000
<u>NEW SECTION. Sec. 535. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Boating repairs: State-wide (CR-86-1-020)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		62,000
GF, ORA—State		202,000
GF, ORA—Federal		18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	828,000	1,110,000
<u>NEW SECTION. Sec. 536. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Repairs and improvements to boating facilities: State-wide (CR-86-1-021)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		34,000
GF, ORA—State		325,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	828,000	1,187,000
<u>NEW SECTION. Sec. 537. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Beacon Rock: Repair and replacement of water facilities (CR-86-1-022)		
	Reappropriation	Appropriation
GF, ORA—State		140,000
GF, ORA—Federal		16,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		156,000
<u>NEW SECTION. Sec. 538. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Deception Pass: Renovate marine work pier (CR-86-1-023)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		140,000
Project	Estimated	Estimated
Costs	Costs	Total

	Through 6/30/85	7/1/87 and Thereafter	Costs  140,000
<u>NEW SECTION.</u> Sec. 539. FOR THE STATE PARKS AND RECREATION COMMISSION			
Energy conservation, landscape repairs: State-wide (CR-86-1-026)			
		Reappropriation	Appropriation
GF, St Bldg Constr Acct			541,000
GF, ORA—State			40,000
GF, ORA—Federal			40,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
		2,382,000	3,003,000
<u>NEW SECTION.</u> Sec. 540. FOR THE STATE PARKS AND RECREATION COMMISSION			
Energy conservation, landscape renovation: State-wide (CR-86-1-027)			
		Reappropriation	Appropriation
GF, St Bldg Constr Acct			595,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
		5,119,000	5,714,000
<u>NEW SECTION.</u> Sec. 541. FOR THE STATE PARKS AND RECREATION COMMISSION			
West Hylebos acquisition and development (CI-86-4-013)			
		Reappropriation	Appropriation
GF, St Bldg Constr Acct			296,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			296,000
<u>NEW SECTION.</u> Sec. 542. FOR THE STATE PARKS AND RECREATION COMMISSION			
Milwaukee road trail: Trestle safety features, acquisition (CR-86-1-030)			
		Reappropriation	Appropriation
GF, St Bldg Constr Acct			149,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			149,000
<u>NEW SECTION.</u> Sec. 543. FOR THE STATE PARKS AND RECREATION COMMISSION			
Fort Worden: Point Wilson Bank protection (CR-86-1-032)			
		Reappropriation	Appropriation
GF, ORA—State			114,000
GF, ORA—Federal			113,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			227,000
<u>NEW SECTION.</u> Sec. 544. FOR THE STATE PARKS AND RECREATION COMMISSION			
Mt. Spokane: Road improvements (CR-86-3-L34)			
		Reappropriation	Appropriation
Motor Vehicle Fund			900,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			900,000
<u>NEW SECTION.</u> Sec. 545. FOR THE STATE PARKS AND RECREATION COMMISSION			
Construction at Brooks Memorial, Central Ferry, and Lake Easton (CR-87-2-008)			
		Reappropriation	Appropriation
GF, St Bldg Constr Acct			141,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs

6/30/85	Thereafter	
	750,000	891,000
<u>NEW SECTION, Sec. 546. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Green River Gorge: Staged acquisition (CI-87-3-010)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		300,000
GF, ORA—State		100,000
GF, ORA—Federal		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,000,000	2,500,000
<u>NEW SECTION, Sec. 547. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Auburn game farm: Consolidation and renovation (CR-87-3-012)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		80,000
GF, ORA—State		18,000
GF, ORA—Federal		18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		116,000
<u>NEW SECTION, Sec. 548. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden: Building weatherization and energy conservation (CR-87-2-016)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		511,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	500,000	1,011,000
<u>NEW SECTION, Sec. 549. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Replace breakwater, Illahee: Ramps, floats, and piling (CR-87-1-024)		
	Reappropriation	Appropriation
GF, ORA—State		276,000
GF, ORA—Federal		31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		307,000
<u>NEW SECTION, Sec. 550. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sacajawea: Boat launch reconstruction (CR-87-1-025)		
	Reappropriation	Appropriation
GF, ORA—State		91,000
GF, ORA—Federal		10,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		101,000
<u>NEW SECTION, Sec. 551. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sylvia: Renovate dam and seepage control (CR-87-1-028)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		132,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		132,000
<u>NEW SECTION, Sec. 552. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Flaming geyser and Kummer redevelopment and access (CR-87-1-029)		
	Reappropriation	Appropriation
GF, ORA—State		183,000
GF, ORA—Federal		183,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  366,000
<u>NEW SECTION</u> , Sec. 553. FOR THE STATE PARKS AND RECREATION COMMISSION		
Kopachuck: Shoreline protection (CR-87-1-031)		
	Reappropriation	Appropriation
GF, ORA—State		52,000
GF, ORA—Federal		53,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  105,000
<u>NEW SECTION</u> , Sec. 554. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Columbia: Building dry rot repair (CR-87-2-045)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		164,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  164,000
<u>NEW SECTION</u> , Sec. 555. FOR THE STATE PARKS AND RECREATION COMMISSION		
Moran: Mountain Lake CCC building renovation (CR-87-1-049)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		163,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  163,000
<u>NEW SECTION</u> , Sec. 556. FOR THE STATE PARKS AND RECREATION COMMISSION		
Deception Pass: Renovate CCC buildings 2 and 3, Rosario (CR-87-1-050)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		218,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  218,000
<u>NEW SECTION</u> , Sec. 557. FOR THE STATE PARKS AND RECREATION COMMISSION		
Lewis and Clark: Expand camping sites, parking and miscellaneous minor renovation		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		30,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  30,000
<u>NEW SECTION</u> , Sec. 558. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT		
Public facilities: Revolving construction loan (CR-86-1-001)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		20,000,000
Project Costs Through 6/30/85 8,000,000	Estimated Costs 7/1/87 and Thereafter 40,000,000	Estimated Total Costs  80,000,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000,000 of the appropriation shall be made available to the department of community development solely for the purpose of Substitute House Bill No. 855, the Washington state development loan fund.

NEW SECTION, Sec. 559. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
Washington State Ag-Trade Center, Spokane (CR-86-2-002)

GF, St Bldg Constr Acct		Reappropriation	Appropriation
Project	Estimated		4,500,000
Costs	Costs	Estimated	Total
Through	7/1/87 and	Total	Costs
6/30/85	Thereafter		
			4,500,000
<u>NEW SECTION.</u> Sec. 560. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT			
Feasibility study for reconstruction, economic development, and expanded use of the state fairgrounds at Yakima			
GF, St Bldg Constr Acct		Reappropriation	Appropriation
Project	Estimated		105,000
Costs	Costs	Estimated	Total
Through	7/1/87 and	Total	Costs
6/30/85	Thereafter		
			105,000
<u>NEW SECTION.</u> Sec. 561. FOR THE DEPARTMENT OF FISHERIES			
Health and safety code (CR-77-R-001)			
GF, Fish Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	20,000	Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
1,766,000			1,786,000
<u>NEW SECTION.</u> Sec. 562. FOR THE DEPARTMENT OF FISHERIES			
Water quality standard (CR-77-R-002)			
GF, Fish Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	7,000	Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
3,992,000			3,999,000
<u>NEW SECTION.</u> Sec. 563. FOR THE DEPARTMENT OF FISHERIES			
Replacements and alterations (CR-77-R-004)			
GF, Fish Cap Proj Acct		Reappropriation	Appropriation
Project	Estimated	99,000	Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
2,390,000			2,489,000
<u>NEW SECTION.</u> Sec. 564. FOR THE DEPARTMENT OF FISHERIES			
Salmon habitat enhancement program (CR-77-R-005)			
GF, Salmon Enhmt Constr Acct		Reappropriation	Appropriation
Project	Estimated	1,500,000	Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
3,500,000	3,300,000		10,000,000
<u>NEW SECTION.</u> Sec. 565. FOR THE DEPARTMENT OF FISHERIES			
Puget Sound artificial reefs: Design and construct (CR-79-R-008)			
GF, ORA—State		Reappropriation	Appropriation
		25,000	110,000
GF, ORA—Federal		25,000	20,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
270,000	470,000		920,000
<u>NEW SECTION.</u> Sec. 566. FOR THE DEPARTMENT OF FISHERIES			
Hood Canal Bridge: Design and construction (CR-79-R-011)			
GF, ORA—State		Reappropriation	Appropriation
		100,000	

Project Costs Through 6/30/85 280,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 380,000
<u>NEW SECTION, Sec. 567. FOR THE DEPARTMENT OF FISHERIES</u>		
Snow Creek public access: Preplanning (CR-79-R-012)		
	Reappropriation	Appropriation
GF. ORA—State	68,000	13,000
GF. ORA—Federal	68,000	13,000
Project Costs Through 6/30/85 250,000	Estimated Costs 7/1/87 and Thereafter 340,000	Estimated Total Costs 752,000
<u>NEW SECTION, Sec. 568. FOR THE DEPARTMENT OF FISHERIES</u>		
Soleduck Sill (CI-81-1-R46)		
	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	41,000	
Project Costs Through 6/30/85 6,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 47,000
<u>NEW SECTION, Sec. 569. FOR THE DEPARTMENT OF FISHERIES</u>		
Auxiliary fuel tank (CR-81-R-001)		
	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	30,000	
Project Costs Through 6/30/85 114,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 144,000
<u>NEW SECTION, Sec. 570. FOR THE DEPARTMENT OF FISHERIES</u>		
Adult holding and spawning: Skagit (CR-81-R-004)		
	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	257,000	
Project Costs Through 6/30/85 84,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 341,000
<u>NEW SECTION, Sec. 571. FOR THE DEPARTMENT OF FISHERIES</u>		
Sunset Falls fishway (CR-81-R-007)		
	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	21,000	
Project Costs Through 6/30/85 113,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 134,000
<u>NEW SECTION, Sec. 572. FOR THE DEPARTMENT OF FISHERIES</u>		
Green River hatchery: Erosion control (CR-81-R-009)		
	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	15,000	
Project Costs Through 6/30/85 24,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 39,000
<u>NEW SECTION, Sec. 573. FOR THE DEPARTMENT OF FISHERIES</u>		
Oakland Bay tideland access: Design and construction (CR-81-R-014)		
	Reappropriation	Appropriation
GF. ORA—State	7,000	72,000
GF. ORA—Federal	7,000	72,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85	Thereafter	
174,000		332,000
<u>NEW SECTION, Sec. 574. FOR THE DEPARTMENT OF FISHERIES</u>		
Soleduck adult pond (CR-81-R-040)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	8,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
262,000		270,000
<u>NEW SECTION, Sec. 575. FOR THE DEPARTMENT OF FISHERIES</u>		
Energy projects (CI-83-2-R01)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
95,000		115,000
<u>NEW SECTION, Sec. 576. FOR THE DEPARTMENT OF FISHERIES</u>		
Combined replacement (CI-83-3-R04)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
60,000		100,000
<u>NEW SECTION, Sec. 577. FOR THE DEPARTMENT OF FISHERIES</u>		
Green River incubation filter (CR-83-R-008)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	176,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		176,000
The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.		
<u>NEW SECTION, Sec. 578. FOR THE DEPARTMENT OF FISHERIES</u>		
Puyallup filter and water supply (CR-83-R-009)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	112,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
50,000		162,000
<u>NEW SECTION, Sec. 579. FOR THE DEPARTMENT OF FISHERIES</u>		
Hatchery security (CR-83-R-012)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
60,000		120,000
<u>NEW SECTION, Sec. 580. FOR THE DEPARTMENT OF FISHERIES</u>		
Samish adult pond (CR-84-R-001)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
283,000		483,000

NEW SECTION, Sec. 581. FOR THE DEPARTMENT OF FISHERIES  
Health, safety, and code compliance (CR-86-1-020)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			300,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	500,000		800,000

NEW SECTION, Sec. 582. FOR THE DEPARTMENT OF FISHERIES  
Bird predation protection: Design and construction (CI-86-3-021)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			267,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			267,000

NEW SECTION, Sec. 583. FOR THE DEPARTMENT OF FISHERIES  
Minor capital projects: Salmon (CR-86-3-022)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			863,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	2,550,000		3,413,000

NEW SECTION, Sec. 584. FOR THE DEPARTMENT OF FISHERIES  
Minor capital projects: Shellfish, design and construction (CR-86-3-023)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			269,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	200,000		469,000

NEW SECTION, Sec. 585. FOR THE DEPARTMENT OF FISHERIES  
Paving and maintenance, asphalt ponds: Design and construction (CR-86-3-024)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			556,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	200,000		756,000

NEW SECTION, Sec. 586. FOR THE DEPARTMENT OF FISHERIES  
Skykomish modifications: Design and construction (CR-86-3-025)

		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			217,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			217,000

NEW SECTION, Sec. 587. FOR THE DEPARTMENT OF FISHERIES  
Bremerton public fishing pier: Design and construction (CI-86-3-027)

		Reappropriation	Appropriation
GF, ORA—State			410,000
GF, ORA—Federal			410,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			820,000

NEW SECTION, Sec. 588. FOR THE DEPARTMENT OF FISHERIES  
Langley public fishing pier: Design and construction (CI-86-3-L40)

		Reappropriation	Appropriation
GF, ORA—State			70,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  70,000
<u>NEW SECTION. Sec. 589. FOR THE DEPARTMENT OF FISHERIES</u>		
Towhead Island public access: Renovation (CR-86-2-028)		
	Reappropriation	Appropriation
GF, ORA—State		191,000
GF, ORA—Federal		21,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  212,000
<u>NEW SECTION. Sec. 590. FOR THE DEPARTMENT OF FISHERIES</u>		
Issaquah Hatchery Interpretive Center (CI-86-2-029)		
	Reappropriation	Appropriation
GF, ORA—State		35,000
GF, ORA—Federal		35,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  70,000
<u>NEW SECTION. Sec. 591. FOR THE DEPARTMENT OF FISHERIES</u>		
Willapa Hatchery, new main pipeline: Design and construction (CI-86-3-030)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		426,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  426,000
<u>NEW SECTION. Sec. 592. FOR THE DEPARTMENT OF FISHERIES</u>		
Energy conservation (CR-86-4-031)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		162,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 300,000	Estimated Total Costs  462,000
<u>NEW SECTION. Sec. 593. FOR THE DEPARTMENT OF FISHERIES</u>		
Freezer remodel: Samish and Hood Canal (CR-86-3-032)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		103,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  103,000
<u>NEW SECTION. Sec. 594. FOR THE DEPARTMENT OF FISHERIES</u>		
Patrol seized gear storage: Design and construction (CI-86-3-033)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		98,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  98,000
<u>NEW SECTION. Sec. 595. FOR THE DEPARTMENT OF FISHERIES</u>		
Hood Canal: Boat access acquisition (CI-86-3-035)		
	Reappropriation	Appropriation
GF, ORA—State		270,000
GF, ORA—Federal		30,000
Project Costs	Estimated Costs	Estimated Total Costs

Through 6/30/85	7/1/87 and Thereafter 150,000	Costs 450,000
<u>NEW SECTION, Sec. 596. FOR THE DEPARTMENT OF FISHERIES</u>		
Hood Canal beach access acquisition (CI-86-3-036)		
	Reappropriation	Appropriation
GF, ORA—State		150,000
GF, ORA—Federal		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter 100,000	400,000
<u>NEW SECTION, Sec. 597. FOR THE DEPARTMENT OF FISHERIES</u>		
Point Whitney tideland access acquisition (CI-86-3-037)		
	Reappropriation	Appropriation
GF, ORA—State		128,000
GF, ORA—Federal		128,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter 150,000	406,000
<u>NEW SECTION, Sec. 598. FOR THE DEPARTMENT OF FISHERIES</u>		
Knappton public access: Design and construction (CI-86-3-038)		
	Reappropriation	Appropriation
GF, ORA—State		51,000
GF, ORA—Federal		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter 102,000	102,000
<u>NEW SECTION, Sec. 599. FOR THE DEPARTMENT OF GAME</u>		
Relocate engineering shop and storage facilities (CI-81-R-033)		
	Reappropriation	Appropriation
Game Fund	34,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter 996,700	996,700
<u>NEW SECTION, Sec. 600. FOR THE DEPARTMENT OF GAME</u>		
Rebuild fishing dock and provide parking and sanitary facilities: Mercer Island, King County (CI-81-R-037)		
	Reappropriation	Appropriation
GF, ORA—State	56,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter 59,000	59,000
3,000		
<u>NEW SECTION, Sec. 601. FOR THE DEPARTMENT OF GAME</u>		
Relocate or rebuild Bogachiel residence to avoid flooding: Clallam County (CI-83-R-007)		
	Reappropriation	Appropriation
Game Fund	64,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter 68,000	68,000
4,000		
<u>NEW SECTION, Sec. 602. FOR THE DEPARTMENT OF GAME</u>		
Acquire access to stream bank: Mitigation for Wells dam, Okanogan County (CI-83-R-044)		
	Reappropriation	Appropriation
Game Fund—Game Special Wildlife Acct	62,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83

Thereafter

62,900

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 603. FOR THE DEPARTMENT OF GAME

Redevelop access areas: Amber Lake, Spokane County (CI-83-R-026)

	Reappropriation	Appropriation
GF. ORA—State	42,000	
GF. ORA—Federal	42,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		84,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 604. FOR THE DEPARTMENT OF GAME

Construct facilities on Big and Little Green Lakes: Okanogan County (CI-83-R-029)

	Reappropriation	Appropriation
GF. ORA—State	46,000	
GF. ORA—Federal	46,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		93,200

NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF GAME

Construct public access: Stillaguamish River, Snohomish County (CI-83-R-030)

	Reappropriation	Appropriation
GF. ORA—State	32,000	
GF. ORA—Federal	32,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,000		67,000

NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF GAME

Redevelop public access: Jamison Lake, Douglas County (CI-83-R-037)

	Reappropriation	Appropriation
GF. ORA—State	132,000	
GF. ORA—Federal	132,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
9,200		282,400

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF GAME

Clear Lake (CI-81-R-041)

	Reappropriation	Appropriation
GF. ORA—State	20,000	
GF. ORA—Federal	9,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		29,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 608. FOR THE DEPARTMENT OF GAME

Snake River compensation (CI-83-R-009)

	Reappropriation	Appropriation
Game Fund—Federal	11,223,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	11,223,000
<u>NEW SECTION.</u> Sec. 609. FOR THE DEPARTMENT OF GAME		
I-82 development (CI-83-R-013)		
	Reappropriation	Appropriation
GF. ORA—State	186,000	
GF. ORA—Federal	186,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		372,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

<u>NEW SECTION.</u> Sec. 610. FOR THE DEPARTMENT OF GAME		
Okanogan River natural area (McLaughlin Falls) (CI-83-R-016)		
	Reappropriation	Appropriation
Game Fund—State	350,000	18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		368,000

<u>NEW SECTION.</u> Sec. 611. FOR THE DEPARTMENT OF GAME		
Wenas inholdings: Acquisition (CI-83-R-018)		
	Reappropriation	Appropriation
Game Fund—State	132,000	72,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		204,000

<u>NEW SECTION.</u> Sec. 612. FOR THE DEPARTMENT OF GAME		
Skagit habitat management area inholdings acquisition (CI-83-R-020)		
	Reappropriation	Appropriation
Game Fund—State	435,000	9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		444,000

<u>NEW SECTION.</u> Sec. 613. FOR THE DEPARTMENT OF GAME		
Chehalis Valley habitat management area acquisition (CI-83-R-021)		
	Reappropriation	Appropriation
Game Fund—State	510,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		510,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

<u>NEW SECTION.</u> Sec. 614. FOR THE DEPARTMENT OF GAME		
Aeneas Valley (CI-83-R-025)		
	Reappropriation	Appropriation
GF. ORA—State	53,000	
GF. ORA—Federal	53,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		106,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF GAME

## Diamond Lake (CI-83-R-031)

	Reappropriation	Appropriation
GF. ORA—State	27,000	
GF. ORA—Federal	27,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		54,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 616. FOR THE DEPARTMENT OF GAME

Repairs and replacements (CR-86-1-001)

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	400,000	550,000

NEW SECTION, Sec. 617. FOR THE DEPARTMENT OF GAME

Facility maintenance and repair (CR-86-2-002)

	Reappropriation	Appropriation
Game Fund—State		409,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,200,000	1,609,000

NEW SECTION, Sec. 618. FOR THE DEPARTMENT OF GAME

Access area toilet replacement (CR-86-1-004)

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	400,000	550,000

NEW SECTION, Sec. 619. FOR THE DEPARTMENT OF GAME

State-wide fencing (CR-86-2-005)

	Reappropriation	Appropriation
Game Fund—State		266,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,200,000	1,466,000

NEW SECTION, Sec. 620. FOR THE DEPARTMENT OF GAME

Administrative offices: Remodel (CR-86-3-006)

	Reappropriation	Appropriation
Game Fund—State		160,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		160,000

NEW SECTION, Sec. 621. FOR THE DEPARTMENT OF GAME

Naches Hatchery water supply (CI-86-2-007)

	Reappropriation	Appropriation
Game Fund—State		40,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		40,000

NEW SECTION, Sec. 622. FOR THE DEPARTMENT OF GAME

West Valley acquisition (CI-86-4-012)

Game Fund—State	Reappropriation	Appropriation
Project	Estimated	31,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		31,000
<u>NEW SECTION. Sec. 623. FOR THE DEPARTMENT OF GAME</u>		
Hedt property: Acquisition (CI-86-4-014)		
Game Fund—State	Reappropriation	Appropriation
Project	Estimated	383,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		383,000
<u>NEW SECTION. Sec. 624. FOR THE DEPARTMENT OF GAME</u>		
E. N. Stone inholding: Klickitat habitat management area (CI-86-4-017)		
Game Fund—State	Reappropriation	Appropriation
Project	Estimated	19,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		19,000
<u>NEW SECTION. Sec. 625. FOR THE DEPARTMENT OF GAME</u>		
Lake Goodwin redevelopment (CR-86-2-021)		
GF. ORA—State	Reappropriation	Appropriation
GF. ORA—Federal		81,000
Project	Estimated	9,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		90,000
<u>NEW SECTION. Sec. 626. FOR THE DEPARTMENT OF GAME</u>		
Vancouver Lake: Access road improvements (CR-86-2-022)		
GF. ORA—State	Reappropriation	Appropriation
GF. ORA—Federal		109,000
Project	Estimated	12,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		121,000
<u>NEW SECTION. Sec. 627. FOR THE DEPARTMENT OF GAME</u>		
Oak Creek headquarters (CR-86-2-023)		
GF. ORA—State	Reappropriation	Appropriation
GF. ORA—Federal		69,000
Project	Estimated	69,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		138,000
<u>NEW SECTION. Sec. 628. FOR THE DEPARTMENT OF GAME</u>		
Newman Lake access area (CR-86-2-024)		
GF. ORA—State	Reappropriation	Appropriation
GF. ORA—Federal		99,000
Project	Estimated	11,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		110,000
<u>NEW SECTION. Sec. 629. FOR THE DEPARTMENT OF GAME</u>		
Wind River boat access (CI-86-3-025)		

	Reappropriation	Appropriation
GF. ORA—State		83,000
GF. ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		92,000

NEW SECTION, Sec. 630. FOR THE DEPARTMENT OF GAME  
Langlois Lake improvements (CR-86-2-026)

	Reappropriation	Appropriation
GF. ORA—State		56,000
GF. ORA—Federal		6,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		62,000

NEW SECTION, Sec. 631. FOR THE DEPARTMENT OF GAME  
Pipe Lake public fishing access (CI-86-4-027)

	Reappropriation	Appropriation
GF. ORA—State		85,000
GF. ORA—Federal		10,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		95,000

NEW SECTION, Sec. 632. FOR THE DEPARTMENT OF GAME  
Mineral Lake site improvements (CI-86-3-028)

	Reappropriation	Appropriation
GF. ORA—State		115,000
GF. ORA—Federal		13,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		128,000

NEW SECTION, Sec. 633. FOR THE DEPARTMENT OF GAME  
Satsop River redevelopment (CR-86-2-029)

	Reappropriation	Appropriation
GF. ORA—State		76,000
GF. ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		85,000

NEW SECTION, Sec. 634. FOR THE DEPARTMENT OF GAME  
West Medical Lake redevelopment (CR-86-2-030)

	Reappropriation	Appropriation
GF. ORA—State		81,000
GF. ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

NEW SECTION, Sec. 635. FOR THE DEPARTMENT OF GAME  
Lake Retreat public fishing access (CI-86-4-031)

	Reappropriation	Appropriation
GF. ORA—State		86,000
GF. ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		95,000

NEW SECTION, Sec. 636. FOR THE DEPARTMENT OF GAME

Engineering capital budget: Preplanning and design (CI-87-4-003)

		Reappropriation	Appropriation
Game Fund—State			25,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		25,000

NEW SECTION, Sec. 637. FOR THE DEPARTMENT OF GAME

Whitestone irrigation district and Blue Lake inholding acquisition (CI-87-4-011)

		Reappropriation	Appropriation
Game Fund—State			320,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		320,000

NEW SECTION, Sec. 638. FOR THE DEPARTMENT OF GAME

McConnell-inholding Sinlahekin habitat management area (CI-87-4-013)

		Reappropriation	Appropriation
Game Fund—State			112,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		112,000

NEW SECTION, Sec. 639. FOR THE DEPARTMENT OF GAME

Robinson Canyon acquisition (CI-87-4-016)

		Reappropriation	Appropriation
Game Fund—State			204,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		204,000

NEW SECTION, Sec. 640. FOR THE DEPARTMENT OF GAME

Dalles Mountain land acquisition (CI-87-4-018)

		Reappropriation	Appropriation
Game Fund—State			510,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		510,000

NEW SECTION, Sec. 641. FOR THE DEPARTMENT OF GAME

Samish River easement acquisition (CI-87-4-019)

		Reappropriation	Appropriation
Game Fund—State			58,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		58,000

NEW SECTION, Sec. 642. FOR THE DEPARTMENT OF GAME

Klickitat habitat management area: G. Layman acquisition (CI-87-4-020)

		Reappropriation	Appropriation
Game Fund—State			444,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		444,000

NEW SECTION, Sec. 643. FOR THE DEPARTMENT OF GAME

Shady Lake improvements (CR-87-2-032)

		Reappropriation	Appropriation
GF. ORA—State			59,000
GF. ORA—Federal			6,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		65,000
<u>NEW SECTION, Sec. 644. FOR THE DEPARTMENT OF GAME</u>		
Methow River: Averill (CI-87-2-033)		
	Reappropriation	Appropriation
GF. ORA—State		59,000
GF. ORA—Federal		7,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		66,000
<u>NEW SECTION, Sec. 645. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve campsites, roads, trails, and other recreation projects (CI-77-4-R16)		
	Reappropriation	Appropriation
General Fund—ORV Account	210,400	
GF. ORA—State	97,800	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
4,183,800	1,379,000	5,871,000
<u>NEW SECTION, Sec. 646. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve campsites, roads, and trails: State-wide (CI-77-3-A16)		
	Reappropriation	Appropriation
General Fund—ORV Account	63,200	
GF. ORA—State	86,600	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
95,400		245,200
<u>NEW SECTION, Sec. 647. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Acquire fragile and endangered natural lands for conservancy (CI-84-3-R92)		
	Reappropriation	Appropriation
GF. ORA—State	965,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
35,000		1,000,000
<u>NEW SECTION, Sec. 648. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve roads and bridges: State-wide (CI-77-4-L16)		
	Reappropriation	Appropriation
General Fund—ORV Account	273,300	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
480,200		753,500
<u>NEW SECTION, Sec. 649. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Commercial land development (CI-77-R-002)		
	Reappropriation	Appropriation
GF. Res Mgmt Cost Acct	1,057,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
168,000		1,225,000
<u>NEW SECTION, Sec. 650. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Irrigation development (CI-77-4-003)		
	Reappropriation	Appropriation
GF. Res Mgmt Cost Acct	765,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
		765,000
<u>NEW SECTION, Sec. 651. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Right of way acquisition (CI-86-3-001)</u>		
		Reappropriation
		Appropriation
GF, For Dev Acct		265,000
GF, Res Mgmt Cost Acct		887,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,152,000
<u>NEW SECTION, Sec. 652. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Irrigation development (CI-86-3-002)</u>		
		Reappropriation
		Appropriation
GF, Res Mgmt Cost Acct		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		150,000
<u>NEW SECTION, Sec. 653. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Forest land bank (CI-86-4-003)</u>		
		Reappropriation
		Appropriation
GF, For Dev Acct		2,940,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		5,946,000
<u>NEW SECTION, Sec. 654. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Commercial development and electronic sites (CI-86-3-004)</u>		
		Reappropriation
		Appropriation
GF, Res Mgmt Cost Acct		127,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		127,000
<u>NEW SECTION, Sec. 655. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Transition land bank (CI-86-3-005)</u>		
		Reappropriation
		Appropriation
GF, For Dev Acct		4,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		4,000,000
<u>NEW SECTION, Sec. 656. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Tiger Mountain 4000 road betterment (CI-86-3-006)</u>		
		Reappropriation
		Appropriation
General Fund—ORV Account		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		100,000
<u>NEW SECTION, Sec. 657. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Fire control projects (CR-86-1-010)</u>		
		Reappropriation
		Appropriation
General Fund, State		77,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		77,000
<u>NEW SECTION, Sec. 658. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		

Minor works (CR-86-3-011)		
	Reappropriation	Appropriation
General Fund, State		26,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		26,000

NEW SECTION, Sec. 659. FOR THE DEPARTMENT OF NATURAL RESOURCES

Bulk fuel facilities (CI-86-4-012)

	Reappropriation	Appropriation
General Fund, State		123,000
GF. For Dev Acct		49,000
GF. Res Mgmt Cost Acct		156,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		410,000

NEW SECTION, Sec. 660. FOR THE DEPARTMENT OF NATURAL RESOURCES

Capital Forest recreation storage building (CR-86-4-014)

	Reappropriation	Appropriation
General Fund, State		17,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		17,000

NEW SECTION, Sec. 661. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation projects (CR-86-3-018)

	Reappropriation	Appropriation
General Fund—ORV Account		971,000
GF. ORA—State		298,000
GF. ORA—Federal		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,230,000	2,625,000

NEW SECTION, Sec. 662. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (CI-86-3-020)

	Reappropriation	Appropriation
GF. Aquatic Lands Acct		1,470,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,470,000

NEW SECTION, Sec. 663. FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

	Reappropriation	Appropriation
GF. Convention Center Acct	85,418,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
10,832,000		96,250,000

PART V  
MISCELLANEOUSNEW SECTION, Sec. 701. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor works request (CR-86-1-001)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		49,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		56,000

NEW SECTION. Sec. 702. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

New air conditioning (CR-86-1-002)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		125,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		125,000

NEW SECTION. Sec. 703. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Museum interior remodeling (CI-88-3-004)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		26,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,000	3,250,000	3,317,000

NEW SECTION. Sec. 704. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Memorial Museum: Remodel (CR-86-1-001)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		633,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,068,000		1,701,000

NEW SECTION. Sec. 705. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House property: Restoration (CR-86-1-002)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		342,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,068,000	619,000	969,000

NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoil sites (chapter 1, Laws of 1983 1st ex. sess.)

	Reappropriation	Appropriation
GF. St Bldg Constr Acct	3,620,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,400,000		5,020,000

NEW SECTION. Sec. 707. FOR THE ARTS COMMISSION

Artwork allowance pooling: Up to one-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 708. To carry out effectively the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 709. Reappropriations shall be limited to the unexpended balances remaining June 30, 1985, in the current appropriation for each project.

NEW SECTION. Sec. 710. As part of the annual six year update to the State Facilities and Capital Plan, agencies shall, beginning with the January 1986 update, provide lease development projects to the office of financial management.

NEW SECTION. Sec. 711. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 712. Notwithstanding any other provisions of law, for the 1985-87 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state

board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION.** Sec. 713. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION.** Sec. 714. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

**NEW SECTION.** Sec. 715. To carry out effectively, efficiently, and economically the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds five hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

**NEW SECTION.** Sec. 716. (1) A maximum of \$121,800,000 of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

**NEW SECTION.** Sec. 717. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION.** Sec. 718. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1985-87 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital renewal projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1987-89 Biennium, as that list exists in the Governor's final 1986 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 719. 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. 720. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute Senate Bill No. 3654, which was on the concurring calendar, and Engrossed Substitute Senate Bill No. 3679, which was on the third reading calendar, were referred to the Committee on Ways and Means.

#### MOTION

At 8:42 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, April 27, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDRED-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Saturday, April 27, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Fleming, Hayner, McCaslin, McDonald, McManus, Moore, Owen, Pullen and von Reichbauer.

The Sergeant at Arms Color Guard, consisting of Pages Keogh Silvernale and Jason Weinmeister, presented the Colors. Reverend Sheryl Peterson, pastor of the United Churches of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

April 26, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4209 as amended by the House except for the amendment on page 1, line 12, from which the House receded, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4189, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627 and has passed the bill as recommended by the Conference Committee.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1107 and has passed the bill as recommended by the Conference Committee.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 101,  
HOUSE BILL NO. 107,  
SECOND SUBSTITUTE HOUSE BILL NO. 141,  
HOUSE BILL NO. 153,  
HOUSE BILL NO. 357,  
SUBSTITUTE HOUSE BILL NO. 379,  
SUBSTITUTE HOUSE BILL NO. 380,  
SUBSTITUTE HOUSE BILL NO. 396,  
SUBSTITUTE HOUSE BILL NO. 760,  
SUBSTITUTE HOUSE BILL NO. 814,  
SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
SUBSTITUTE HOUSE BILL NO. 1082.

SUBSTITUTE HOUSE BILL NO. 1085.

SUBSTITUTE HOUSE BILL NO. 1169, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3207,

SUBSTITUTE SENATE BILL NO. 4189,

SUBSTITUTE SENATE BILL NO. 4209,

SUBSTITUTE SENATE BILL NO. 4228.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3173,

SUBSTITUTE SENATE BILL NO. 3254,

SENATE BILL NO. 3812.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 101,

HOUSE BILL NO. 107,

SECOND SUBSTITUTE HOUSE BILL NO. 141,

HOUSE BILL NO. 153,

HOUSE BILL NO. 357,

SUBSTITUTE HOUSE BILL NO. 379,

SUBSTITUTE HOUSE BILL NO. 380,

SUBSTITUTE HOUSE BILL NO. 396,

SUBSTITUTE HOUSE BILL NO. 760,

SUBSTITUTE HOUSE BILL NO. 814,

SECOND SUBSTITUTE HOUSE BILL NO. 1078,

SUBSTITUTE HOUSE BILL NO. 1082,

SUBSTITUTE HOUSE BILL NO. 1085,

SUBSTITUTE HOUSE BILL NO. 1169.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Marlene Smith as a member of the Juvenile Disposition Standards Commission was confirmed.

APPOINTMENT OF MARLENE SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Craswell, Fleming, Hayner, McCaslin, McDonald, McManus, Moore, Owen, Pullen, von Reichbauer - 10.

MOTIONS

On motion of Senator Deccio, Senators McCaslin, Pullen and von Reichbauer were excused.

On motion of Senator Bender, Senators Fleming and McManus were excused.

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

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3012 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3012, enacting penalties and procedures to prevent harassment, have had the same under consideration and we recommend the House Committee amendment be adopted with the following amendment by the Free Conference Committee and the bill do pass as amended.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3012 read in on April 26, 1985)

Signed by Senators Talmadge, Pullen and Halsan; Representatives Crane, Van Luven and Scott.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3012 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3012, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3012, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Craswell - 1.

Excused: Senators Fleming, McCaslin, McManus, Pullen, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3012, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3146 and has passed the bill as recommended by the Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3146, updating the names and capacities of corrections institutions, have had the same under consideration and we recommend that the House recede from its amendment, and that the bill be passed without said amendment.

Signed by Senators Granlund, Bailey and Peterson; Representatives Brekke, Niemi and Lewis.

#### MOTION

On motion of Senator Granlund, the Report of the Conference Committee on Substitute Senate Bill No. 3146 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3146, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3146, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Bluechel - 1.

Excused: Senators Fleming, McCaslin, McManus, Pullen, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 3146, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House again insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 3134 and once again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Goltz moved that the rules be suspended and Engrossed Senate Bill No. 3134 be returned to second reading.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Goltz, the amendments on our desk, the two short amendments, are the only two that--"

Senator Goltz: "That's correct."

The President declared the question before the Senate to be the motion by Senator Goltz that Engrossed Senate Bill No. 3134 be returned to second reading.

The motion by Senator Goltz carried and Engrossed Senate Bill No. 3134 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Goltz, the following amendments were considered simultaneously and adopted:

On page 2, line 21, strike "forty-nine thousand, eighty" and insert "eighteen thousand dollars".

On page 2, line 24, strike "The Evergreen State College" and insert "Western Washington University".

On motion of Senator Goltz, the rules were suspended, Reengrossed Senate Bill No. 3134 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3134.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3134, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators McCaslin, McManus, von Reichbauer - 3.

REENGROSSED SENATE BILL NO. 3134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3261 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate refuses to recede from its position on Engrossed Substitute Senate Bill No. 3261 and once again asks for a conference thereon. (The President appointed Senators Thompson, Zimmerman and Rinehart as members of the Conference Committee April 23, 1985.)

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 314, by Committee on Ways and Means (originally sponsored by Representative Grimm)

Modifying provisions relating to the 1983-85 state fiscal biennium.

The bill was read the second time.

#### MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

##### \*PART I

##### GENERAL GOVERNMENT

Sec. 101. Section 8, chapter 76, Laws of 1983 1st ex. sess. as amended by section 107, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

##### FOR THE SUPREME COURT

General Fund Appropriation .....	\$	<del>((7,075,000))</del>
		6,525,000
General Fund—Judiciary Education Account Appropriation .....	\$	1,378,000
Total Appropriation .....	\$	<del>((8,453,000))</del>
		7,903,000

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

Sec. 102. Section 10, chapter 76, Laws of 1983 1st ex. sess. as amended by section 109, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

##### FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	<del>((8,999,000))</del>
		8,894,000

Sec. 103. Section 11, chapter 76, Laws of 1983 1st ex. sess. as amended by section 110, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

##### FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	<del>((21,800,000))</del>
		21,590,000
General Fund—Judiciary Education Account Appropriation .....	\$	1,310,000
Total Appropriation .....	\$	<del>((23,110,000))</del>
		22,900,000

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

(1) A maximum of \$8,654,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; \$430,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) \$610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) \$195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

(5) \$280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts' office.

(6) \$75,000 of the general fund is provided solely for the limited practice board. The board shall report to the committees on judiciary of the senate and house of representatives no later than January 15, 1985, regarding its activities during the biennium. The report shall include, but not be limited to: (a) information regarding revenues received to date, including their sources and amounts; (b) expenditures to date, including their purposes and amounts; (c) the number of applications for certification; (d) the number of applicants certified; (e) the educational courses and programs accredited by the board; (f) the number and scope of complaints received, investigations initiated, grievance hearings held, and disciplinary actions taken; (g) the standardized forms approved by the board; (h) the regulations adopted by the board; and (i) anticipated board activities in the ensuing biennium.

(7) \$120,000 of the general fund appropriation is provided solely for allocation to the superior court for Thurston County to relieve the impact of litigation involving the state of Washington.

Sec. 104, Section 22, chapter 76, Laws of 1983 1st ex. sess. as amended by section 117, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State .....	\$	<del>((12,353,000))</del>
		<u>11,353,000</u>
General Fund Appropriation—Federal .....	\$	50,000
Medical Aid Fund Appropriation—State .....	\$	100,000
Data Processing Revolving Fund Appropriation .....	\$	1,368,000
Total Appropriation .....	\$	<del>((13,871,000))</del>
		<u>12,871,000</u>

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

(1) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

(2) \$20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(3) \$775,000 of the general fund—state appropriation is provided solely for the development and implementation of the Washington state patrol criminal history information system: PROVIDED, That no funds may be expended until a joint oversight committee is created to review the design and implementation of the system. The joint oversight committee shall include but is not limited to, the director of financial management and the chairmen, or their designees, of the house and senate ways and means committees.

(4) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

(6) \$96,000 is provided for the purposes of studying coordination, the potential for merger between Eastern Washington and Washington State Universities in the manner of Substitute House Bill No. 1363 as amended by senate committee in the 1984 legislative session, and

enhancement of enrollment for Washington State University. A Higher Education Coordination Study Committee is hereby created to conduct the study, consisting of:

((†)) (a) Two members from each caucus in the house of representatives, to be appointed by the speaker;

((†)) (b) Two members from each caucus in the senate, to be appointed by the president of the senate;

((†)) (c) Two representatives of the governor, to be appointed by the governor;

((†)) (d) One regent of Washington State University, to be appointed by its board of regents;

((†)) (e) One trustee from Eastern Washington University, to be appointed by its board of trustees;

((†)) (f) Two students, one from each of the universities, to be appointed by the president of the senate and the speaker from a list of three submitted by the governing body of the recognized student association;

((†)) (g) Two faculty members, one from each of the universities, to be appointed by the president of the senate and speaker from a list of three submitted by the faculty senate or its equivalent.

Members of the higher education review committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The office of financial management shall contract for an analysis by the council for postsecondary education as provided in Substitute House Bill No. 1363 as amended by senate committee.

Sec. 105. Section 24, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 106, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation .....	\$	<del>((60,000))</del> 15,000
Department of Personnel Service Fund Appropriation .....	\$	8,813,000
State Employees' Insurance Fund Appropriation .....	\$	1,542,000
Total Appropriation .....	\$	<del>((10,415,000))</del> 10,370,000

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

(1) \$45,000 from the department of personnel service fund is provided solely for a comparative study, jointly funded with the department of retirement systems and the higher education personnel board, of part-time employee policy and benefits. This study shall be directed to other states and representative private colleges and universities and private sector service-related enterprises as to their practices and policies for shared work, phased retirement, health care benefits, retirement allowances, and other related issues. A report shall be made to the legislature not later than December 21, 1984, containing findings and recommendations.

(2) \$60,000 of the general fund appropriation is provided solely for the department of personnel to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The department shall coordinate the study with the higher education personnel board and its study on comparable worth implementation. During the course of the study, the department shall report to the joint select committee on comparable worth on the study's progress. The department shall report back to the legislature no later than January 1, 1985, with potential implementation alternatives.

(3) \$60,000 of the department of personnel service fund appropriation is provided solely for legal services for comparable worth litigation.

Sec. 106. Section 27, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 107, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation .....	\$	<del>((43,573,000))</del> 43,150,000
General Fund—State Timber Tax Reserve Account Appropriation .....	\$	2,851,000
Motor Vehicle Fund Appropriation .....	\$	115,000
Total Appropriation .....	\$	<del>((46,539,000))</del> 46,116,000

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

Sec. 107. Section 29, chapter 76, Laws of 1983 1st ex. sess. as amended by section 121, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State .....	\$	<del>((5,992,000))</del> 5,901,000
General Fund Appropriation—Private/Local .....	\$	58,000

General Fund—Motor Transport Account Appropriation	\$	6,858,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	16,180,000
Total Appropriation	\$	<del>((29,088,000))</del> 28,997,000

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

(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

Sec. 108. Section 31, chapter 76, Laws of 1983 1st ex. sess. as amended by section 123, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	<del>((971,000))</del> 921,000
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PART II  
HUMAN SERVICES

Sec. 201. Section 201, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

General Fund Appropriation—State	\$	<del>((277,601,000))</del> 277,572,000
General Fund—Institutional Impact Account Appropriation	\$	865,000
General Fund Appropriation—Federal	\$	700,000
General Fund—Charitable, Educational Penal and Reformatory		
Institutions Account Appropriation	\$	1,053,000
Total Appropriation	\$	<del>((280,219,000))</del> 280,190,000

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

(1) \$2,153,000 from the general fund appropriation is provided solely for the treatment alternatives to street crime programs in King, Pierce, Snohomish, Spokane, Clark, and Yakima counties.

(2) \$1,053,000 from the general fund charitable, educational penal and reformatory institutions account appropriation is provided solely for an environmental impact statement and design work for the McNeil Island ferry slip.

(3) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983-85 biennium and reflect the amounts previously appropriated to the department by the section repealed by section 202 of this act.

GENERAL FUND—

	STATE	TOTAL
COMMUNITY SERVICES		
Treatment Alternatives to Street Crime	2,153,000	2,153,000
Community Diversion	236,000	236,000
Crime Victims and Witness Notification	175,000	175,000
Probation and Parole	25,216,000	25,216,000
Intensive Parole	3,985,000	3,985,000
Work Release Facilities	20,612,000	20,612,000
State Directors Office	873,000	873,000
	Subtotal	53,250,000
INSTITUTIONAL SERVICES		
Correctional Facilities Operations	<del>((205,571,000))</del> 205,542,000	<del>((206,271,000))</del> 206,242,000
McNeil Island Ferry Slip		1,053,000
	Subtotal	<del>((205,571,000))</del> 207,295,000
ADMINISTRATION		
Headquarters	13,850,000	13,850,000
One Time Institutional Impact Claims		865,000
	Subtotal	14,715,000
INSTITUTIONAL INDUSTRIES		
State Subsidy	4,930,000	4,930,000
	Subtotal	4,930,000

GENERAL FUND—  
STATE

TOTAL

Total	\$((277,601,000))	\$((280,219,000))
	277,572,000	280,190,000

Sec. 202, Section 203, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$	1,731,230,000
General Fund Appropriation—Federal	\$	((1,250,585,000))
		<u>1,273,453,000</u>
General Fund Appropriation—Local	\$	((5,394,000))
		<u>5,685,000</u>
General Fund Appropriation—State and Local Improvements Revolving Account—Water supply facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water supply facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Recap- proprietion	\$	21,826,000
General Fund—Institutional Impact Account Appropriation	\$	75,000
Total Appropriation	\$	((3,029,110,000))
		<u>3,052,269,000</u>

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

(1) Up to \$992,000 of the juvenile rehabilitation institutional services funds may be expended to erect fences at Green Hill and Maple Lane schools.

(2) The department shall, no later than June 1, 1985, adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) The department of social and health services shall continue the program of aid to families with dependent children for two-parent families through June 30, 1985.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$21	27	32	39	44	50	59	64	

(5) \$289,000, of which \$261,000 is from the general fund—state appropriation, is provided solely to increase the safety and quality of care of children in level 2 and level 3 children's group homes.

((5)) (6) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983-85 biennium and reflect the amounts previously appropriated to the department by the sections repealed by section 204 of this act.

GENERAL FUND—  
STATE

TOTAL

JUVENILE REHABILITATION

Community Services	((25,210,000))	((25,264,000))
	24,310,000	24,364,000
Institutional Services	39,871,000	40,659,000

	GENERAL FUND----	TOTAL
	STATE	
Program Support	2,395,000	2,395,000
Subtotal	<u>((67,476,666))</u>	<u>((68,316,666))</u>
	66,576,000	67,418,000
<b>MENTAL HEALTH</b>		
Community Services	<u>((82,670,666))</u>	<u>((114,317,666))</u>
	82,070,000	113,717,000
Institutional Services	107,981,000	<u>((112,311,666))</u>
		112,961,000
Program Support	<u>((2,845,666))</u>	<u>((3,443,666))</u>
	2,745,000	3,343,000
Special Projects	0	38,000
Subtotal	<u>((193,496,666))</u>	<u>((230,109,666))</u>
	192,796,000	230,059,000
<b>DEVELOPMENTAL DISABILITIES</b>		
Community Services	<u>((51,316,666))</u>	<u>((96,862,666))</u>
	51,786,000	98,120,000
Institutional Services	<u>((93,871,666))</u>	<u>((161,780,666))</u>
	91,571,000	161,880,000
Program Support	3,857,000	<u>((4,441,666))</u>
		4,596,000
Special Projects	315,000	1,506,000
Subtotal	<u>((149,361,666))</u>	<u>((264,589,666))</u>
	147,529,000	266,102,000
<b>LONG TERM CARE SERVICES</b>		
Nursing Homes	<u>((162,484,666))</u>	<u>((322,831,666))</u>
	161,684,000	323,831,000
Senior Citizens Services Act	14,112,000	14,112,000
Chore Services	<u>((18,977,666))</u>	<u>((46,695,666))</u>
	21,357,000	48,575,000
Community Options Program	<u>((5,660,666))</u>	<u>((10,660,666))</u>
	4,700,000	9,400,000
Older Americans Act	0	<u>((20,303,666))</u>
		22,305,000
Adult Day Health	322,000	633,000
Nursing Home Discharge	31,000	31,000
Congregate Care	<u>((7,054,666))</u>	<u>((7,054,666))</u>
	6,754,000	6,754,000
Adult Family Homes	2,663,000	2,663,000
Administration	<u>((5,930,666))</u>	<u>((10,714,666))</u>
	5,730,000	10,514,000
Subtotal	<u>((216,573,666))</u>	<u>((435,036,666))</u>
	217,353,000	438,818,000
<b>INCOME ASSISTANCE</b>		
Refugee Assistance	0	<u>((18,133,666))</u>
		12,033,000
Aid to Families with Dependent Children—Regular	<u>((235,435,666))</u>	<u>((494,292,666))</u>
	238,372,000	503,301,000
Aid to Families with Dependent Children—Employable	<u>((23,199,666))</u>	<u>((46,398,666))</u>
	22,744,000	46,104,000
Supplemental Security Income Payments	<u>((39,721,666))</u>	<u>((39,721,666))</u>
	39,313,000	39,701,000
General Assistance—Unemployable	<u>((65,227,666))</u>	<u>((65,603,666))</u>
	65,575,000	66,017,000
General Assistance—Pregnant Women	<u>((3,425,666))</u>	<u>((3,425,666))</u>
	3,403,000	3,403,000
Consolidated Emergency Assistance	<u>((4,424,666))</u>	<u>((8,848,666))</u>
	3,883,000	7,800,000
Burial Assistance	<u>((2,768,666))</u>	<u>((2,768,666))</u>
	3,009,000	3,009,000
Employment and Training Services	990,000	1,871,000
Work Incentive Program	279,000	2,788,000

	GENERAL FUND— STATE	TOTAL
Subtotal	((375,468,000)) <u>377,568,000</u>	((683,927,000)) <u>686,027,000</u>
COMMUNITY SOCIAL SERVICES		
Domestic Violence Program	1,128,000	1,128,000
Foster Care Payments	35,557,000	40,917,000
Child Care Payments	11,047,000	13,805,000
Adoption Support Services	4,309,000	5,388,000
Family Reconciliation Services	1,925,000	2,970,000
Interim Care	8,553,000	9,749,000
Alcoholism Grants	11,299,000	((14,927,000)) <u>16,818,000</u>
Detoxification	5,749,000	6,268,000
Substance Abuse Grants	3,892,000	9,072,000
Congregate Care	8,554,000	8,554,000
Refugee Services	0	((3,800,000)) <u>9,000,000</u>
Subtotal	92,013,000	((116,578,000)) <u>123,669,000</u>
MEDICAL ASSISTANCE	((384,991,000)) <u>385,843,000</u>	((643,017,000)) <u>648,017,000</u>
PUBLIC HEALTH	((38,588,000)) <u>38,488,000</u>	((139,191,000)) <u>143,334,000</u>
VOCATIONAL REHABILITATION	11,228,000	39,630,000
ADMINISTRATION & SUPPORT	((55,318,000)) <u>55,118,000</u>	((93,153,000)) <u>93,013,000</u>
COMMUNITY SERVICES ADMIN.	135,117,000	((278,867,000)) <u>279,487,000</u>
REVENUE COLLECTIONS	11,601,000	36,695,000
Total	\$1,731,230,000	\$((3,029,110,000)) <u>3,052,269,000</u>

Sec. 203. Section 66, chapter 76, Laws of 1983 1st ex. sess. as amended by section 215, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	((15,902,000)) <u>15,441,000</u>
General Fund Appropriation—Federal	\$	2,237,000
General Fund Appropriation—Local	\$	3,336,000
Total Appropriation	\$	((21,475,000)) <u>21,014,000</u>

The appropriations in this section are subject to the following conditions and limitations: Not more than \$400,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

Sec. 204. Section 72, chapter 76, Laws of 1983 1st ex. sess. as amended by section 220, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	((2,966,000)) <u>2,813,000</u>
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Sec. 205. Section 73, chapter 76, Laws of 1983 1st ex. sess. as amended by section 221, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State	\$	((356,000)) <u>349,000</u>
General Fund—Hospital Commission Account Appropriation	\$	1,086,000
Total Appropriation	\$	((1,442,000)) <u>1,435,000</u>

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

(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, 1984, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each

major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

Sec. 206. Section 74, chapter 76, Laws of 1983 1st ex. sess. as amended by section 222, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State .....	\$	<del>((2,650,000))</del> 2,593,000
General Fund Appropriation—Federal .....	\$	133,049,000
General Fund Appropriation—Local .....	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal .....	\$	6,638,000
Unemployment Compensation Administration Fund Appropriation .....	\$	92,543,000
Total Appropriation .....	\$	<del>((252,037,000))</del> 251,982,000

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

(1) \$786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of \$605 per participant.

(2) \$313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of \$844 per participant.

(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

(4) \$600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.; PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs; PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

Sec. 207. Section 76, chapter 76, Laws of 1983 1st ex. sess. as amended by section 224, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State .....	\$	<del>((770,000))</del> 754,000
General Fund—Local Jail Improvement and Construction Account		
Appropriation .....	\$	113,124,000
Total Appropriation .....	\$	<del>((113,894,000))</del> 113,878,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation is provided solely for a one-time grant to the King County department of public safety for a text management system to be used by the Green River task force homicide investigation. The text management system shall be made available for use by law enforcement agencies of the state through interagency agreements.

PART III

NATURAL RESOURCES

Sec. 301. Section 83, chapter 76, Laws of 1983 1st ex. sess. as amended by section 304, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State .....	\$	<del>((20,026,000))</del> 28,704,000
General Fund Appropriation—Private/Local .....	\$	566,000
General Fund—Trust Land Purchase Account Appropriation .....	\$	7,694,000
General Fund—Winter Recreation Parking Account Appropriation .....	\$	156,000
General Fund—Snowmobile Account Appropriation .....	\$	681,000
General Fund—Outdoor Recreation Account Appropriation .....	\$	152,000
Motor Vehicle Fund Appropriation .....	\$	800,000

Total Appropriation ..... \$ ~~(38,875,000)~~  
 38,753,000

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

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(3) \$962,000 of the general fund—state appropriation is provided solely for reimbursement to the tort claim revolving fund.

(4) \$79,000 of the general fund—state appropriation is provided solely for the second year funding of the boating safety program.

Sec. 302, Section 86, chapter 76, Laws of 1983 1st ex. sess. as amended by section 305, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation ..... \$ ~~(7,767,000)~~  
 7,592,000

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

(1) Not more than \$2,287,000 may be expended for the tourism program in fiscal year 1985. \$750,000 of this amount is provided solely for the establishment of a private-sector state matching program. State funds may only be released on a dollar-for-dollar matching basis with private industry. The department is responsible for the development and administration of the program.

(2) Not more than \$573,000 may be expended for the administration program in fiscal year 1985.

(3) \$538,000 is provided solely for the foreign trade program in fiscal year 1985.

(4) \$1,031,000 is provided solely for the industrial development program in fiscal year 1985.

(5) \$150,000 is provided solely for the small business program in fiscal year 1985.

(6) All personal service contracts for fiscal year 1985 that, in the aggregate, are over \$10,000 shall be approved by the director of financial management and submitted to the chairmen of the house and senate ways and means committees prior to the approval.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$270,000 to be used within the foreign trade program for uses authorized under RCW 43.31.832.

(8) \$40,000 is provided solely for a grant for the development of a project which seeks to stimulate public support for and understanding of this state's increasing international trade activity.

(9) \$40,000 is provided solely for the department to contract with the department of ecology for provision of professional assistance to firms confronting federal, state, and local requirements related to the acquisition of necessary permits and environmental approvals.

(10) The 1984 amendments to this section are contingent on the enactment of Senate Bill No. 3238.

Sec. 303, Section 87, chapter 76, Laws of 1983 1st ex. sess. as amended by section 306, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State ..... \$ ~~(38,635,000)~~  
 38,535,000  
 General Fund Appropriation—Federal ..... \$ 6,580,000  
 General Fund Appropriation—Private/Local ..... \$ 2,083,000  
 Total Appropriation ..... \$ ~~(47,298,000)~~  
 47,198,000

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

(1) \$285,000 of the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$140,000 of the general fund—state appropriation is provided solely for razor clam research.

(6) \$75,000 of the general fund—state appropriation is provided solely for a pilot enforcement project on Hood Canal. No more than two enforcement officers and all necessary support costs including equipment shall be dedicated to law enforcement on Hood Canal.

Sec. 304. Section 89, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 301, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State .....	\$	<del>((27,395,000))</del>
		<u>26,933,000</u>
General Fund Appropriation—Federal .....	\$	451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation .....	\$	2,311,000
General Fund—Forest Development Account Appropriation .....	\$	10,373,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$	1,539,000
General Fund—Survey and Maps Account Appropriation .....	\$	671,000
General Fund—Resource Management Cost Account Appropria- tion .....	\$	60,692,000
General Fund—Geothermal Account Appropriation .....	\$	76,000
Total Appropriation .....	\$	<del>((103,500,000))</del>
		<u>103,046,000</u>

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

(1) \$1,100,000 of the general fund—state appropriation is provided solely to carry out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(2) \$50,000 of the general fund—state appropriation is provided solely to conduct a study of the continuous transfer of material and products across state lands.

(3) \$475,000 of the general fund—state appropriation shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

(4) Not more than \$843,000 of the general fund—state appropriation shall be used to fund ten additional honor camp teams.

(5) \$196,000 of the general fund—state appropriation is provided solely for costs incurred by Skamania county in Skamania v. State, 102 Wn.2d 127 (1984).

(6) \$62,000 of the general fund—state appropriation is provided solely for costs incurred by the department in Skamania v. State, 102 Wn.2d 127 (1984).

(7) \$50,000 of the resource management cost account appropriation is provided solely for a feasibility study of trust acquisition and leasing of winter recreation sites.

PART IV  
EDUCATION

Sec. 401. Section 96, chapter 76, Laws of 1983 1st ex. sess. as amended by section 501, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State .....	\$	<del>((15,989,000))</del>
		<u>15,489,000</u>
General Fund Appropriation—Federal .....	\$	6,540,000
General Fund—Traffic Safety Education Account Appropriation .....	\$	460,000
Total Appropriation .....	\$	<del>((22,989,000))</del>
		<u>22,489,000</u>

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

(1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

(3) \$30,000 (~~dollars~~) of the general fund—state appropriation is provided for additional meetings and travel by the state board of education.

(4) \$819,000 is provided solely for the implementation of House Bill No. 1246 during the 1984-85 school year. The funds shall be allocated as follows:

(a) A maximum of \$179,000 for Model Curriculum Development.

(b) A maximum of \$150,000 for a Life Skills Test Model.

(c) A maximum of \$300,000 for a Student Retention Pilot Project.

(d) A maximum of \$150,000 for 8th grade test development.

(e) A maximum of \$40,000 for an 11th grade test sample.

((f)) (5) \$20,000 is provided solely for an exemplary study to be conducted by at least the Rosalia, Tekoa, Oakesdale, Garfield and St. John school districts to examine means by which these and other small school districts may utilize cooperative and multi-district efforts to provide programs for educational excellence in small districts.

Sec. 402 Section 103, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 502, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation ..... \$ ~~((77,328,000))~~  
76,686,000

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

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.

(3) A maximum of \$26,311,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.

(4) A maximum of \$4,286,000 shall be distributed in the 1984-85 fiscal year for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$8 per month per full time equivalent staff unit.

(5) (a) A maximum of \$10,185,000 is provided, effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 7.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) The salary increase authorized by subsection (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection (5)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 fiscal year, allocate \$400,000 of the funds allocated by subsection (5)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of \$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(f) A district shall not be in violation of RCW 28A.58.095 as a result of reporting revised staff mix data for the 1983-84 school year in accordance with the revised S-275 staff mix reporting instructions promulgated by the superintendent of public instruction. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to assure that the average certificated salary for a district shall neither increase nor decrease for apportionment purposes as a result of this subsection (5)(f).

(6) (a) A maximum of \$~~((36,540,000))~~ 35,904,000 is provided effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's 1983-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 7.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection (6)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(7) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Increments granted by school districts to certificated staff in the year in which the increments are given by a district shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(c) Salary increases provided by this section shall be applied to the respective district base salaries for certificated staff and the respective district average salaries for classified staff, each as specified in LEAP Document 5 as revised in accordance with this act.

(d) During the 1984-85 school year, districts may grant increases in insurance benefits to achieve a rate of \$179.00 per month per full time equivalent staff unit.

(e) For the 1984-85 school year, for the purpose of insurance benefit increases for classified employees, a full time equivalent employee is an employee contracted to work 1,440 hours per year or more.

(8) Part-time classified insurance benefits as authorized in subsection (7)(e) of this section shall be allocated by multiplying the number of state-supported full time equivalent staff units, as defined in section 98(1), chapter 76, Laws of 1983 1st ex. sess., excluding therefrom educational service districts and transportation program staff, times \$304.61: PROVIDED, That ~~(funds for this subsection are provided in the 1985-87 omnibus appropriations act)~~, with respect to the transportation program, the superintendent of public instruction may increase the 1984-85 standard student mile rate by a maximum of 35.2 cents: PROVIDED FURTHER, That funds for this subsection are provided in the 1985-87 omnibus appropriations act.

Sec. 403, Section 107, chapter 76, Laws of 1983 1st ex. sess. as amended by section 508, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State .....	\$	<del>(279,215,000)</del> 278,715,000
General Fund Appropriation—Federal .....	\$	27,641,000
Total Appropriation .....	\$	<del>(306,856,000)</del> 306,356,000

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

(1) A maximum of \$129,914,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school year 1983-84 and LEAP Document 6 revised as of March 5, 1984, for 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

(4) For allocation of funds for the 1984-85 school year, the superintendent of public instruction shall exclude specific learning disabilities as one of the categories for classification as multiple handicapped.

(5) In the 1984-85 fiscal year the superintendent may transfer funds from this section to section 511 of this 1984 act to the extent that specific learning disabled category E enrollment is less than 6,532 students. Any such transfer shall be at a rate of \$300 per student.

Sec. 404, Section 110, chapter 76, Laws of 1983 1st ex. sess. as amended by section 510, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE SPECIAL NEEDS PROGRAM

General Fund Appropriation—State .....	\$	<del>(28,629,000)</del> 28,385,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$23,605,000 may be expended in fiscal year 1983-84.

(2) Of the appropriation provided by this section, a maximum of \$13,728,000 shall be distributed as follows for the 1983-84 school year:

(a) 30% on the basis of full time equivalent enrollment;

(b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;

(c) 12% on the basis of minority enrollment in the prior school year;

(d) 12% on the basis of gifted enrollment in the prior school year;

(e) 12% on the basis of racial isolation enrollment in the prior school year;

(f) 6% on the basis of limited English speaking enrollment in the prior school year; and

(g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

(3) A maximum of \$~~(12,495,000)~~ 12,359,000 may be distributed for the remaining months of the 1982-83 school year.

(4) For the 1984-85 fiscal year, the superintendent shall distribute a minimum of ~~\$(4,855,000)~~ 4,747,000 as follows:

(a) The sum of \$400,000 is provided for teacher training for drug and alcohol abuse education and prevention in grades K through 12;

(b) A maximum of ~~\$(1,700,000)~~ 1,601,000 shall be expended for gifted programs to be distributed at a maximum rate of \$290 per student for one percent of each district's total enrollment for the 1984-85 school year.

(c) A maximum of \$2,746,000 may be expended for the remaining months of the 1983-84 school year.

(5) The funds allocated by subsection (2) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Drug and alcohol abuse prevention; remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs.

(6) The superintendent of public instruction shall contract \$257,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) The superintendent shall contract \$40,000 for services from the Cispus program.

(8) Salary and benefits increases are included in the funds allocated by this section.

Sec. 405, Section 111, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State .....	\$	<del>(20,857,000)</del>
		<u>20,057,000</u>
General Fund Appropriation—Federal .....	\$	5,450,000
Total Appropriation .....	\$	<del>(26,307,000)</del>
		<u>25,507,000</u>

The appropriations in this section are subject to the following condition or limitation: Not more than \$3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

Sec. 406, Section 511, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM

General Fund Appropriation .....	\$	<del>(10,575,000)</del>
		<u>10,485,000</u>

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

(1) A maximum of ~~\$(7,804,000)~~ 7,715,000 shall be distributed by the superintendent to districts for the 1984-85 school year at a rate of \$300 per eligible student as defined in RCW 28A.41.404.

(2) For a discretionary seventh through ninth grade remediation program, a maximum of \$2,770,000 shall be distributed by the superintendent of public instruction at a uniform rate per district per eligible student as calculated in this subsection. In making the calculation, the superintendent shall multiply the percentage of students in a district taking the fourth grade state test who scored in the lowest quartile the previous year as compared to the national norm by the number of students currently enrolled in the district in grades 7 through 9, less those students who scored in the lowest quartile and who are served pursuant to chapter 28A.13 RCW (excluding communication disordered students) in grades 2 through 9. Local districts may use these funds to serve any of the students in grades 7 through 9 who are in the bottom quartile on a nationally normed standardized test and who are not receiving like services in programs established in chapter 28A.13 RCW.

(3) This appropriation includes funds for salary and incremental benefit increases for remediation assistance staff.

(4) The superintendent may transfer funds from the remediation assistance program to the handicapped program for specific learning disabled category "E" enrollment to the extent it exceeds 6,532 students.

(5) This appropriation is provided solely for the 1984-85 fiscal year.

NEW SECTION. Sec. 407. A new section is added to chapter 76, Laws of 1983 1st ex. sess. to read as follows:

The state college and universities and the community college system shall not be held in violation of the minimum expenditure per student requirements of the biennial appropriations act to the extent any failure to meet such requirements is the result of allotment reductions approved by the office of financial management or the result of financial or other circumstances beyond the control of the institution, up to two percent of the minimum expenditure per student requirement.

The office of financial management shall take all reasonable steps to ensure that reductions in instruction budgets are taken only after other fiscal remedies are exhausted.

Sec. 408. Section 13, chapter 21, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the general fund to the commission on vocational education for the biennium ending June 30, 1985, the sum of (~~three million five hundred~~) two million seven hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of (~~this act~~) chapter 21, Laws of 1983 1st ex. sess. However, of this appropriation, not more than two hundred fifty thousand dollars may be expended for the state's occupational information system, and not more than two hundred fifty thousand dollars may be expended for the state's career information system. The amount spent for administrative expenses incurred by the commission on vocational education for the jobs skills program shall not exceed five percent of all funds expended for the jobs skills program. Notwithstanding the reduction in the appropriation by this 1985 act, the commission is authorized to enter into contracts for the jobs skills program provided by chapter 21, Laws of 1983 1st ex. sess. Such contracts in excess of the revised appropriation amount shall be payable after June 30, 1985.

## PART V

## SPECIAL APPROPRIATIONS

Sec. 501. Section 133, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

## FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State .....	\$	((2,000,000))
		1,700,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

Sec. 502. Section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

## FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund .....	\$	17,187,000
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(2) There is appropriated for the community college system from the General Fund .....	\$	9,760,000
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(3) There is appropriated for the department of corrections from the General Fund .....	\$	5,841,000
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(4) There is appropriated for the department of social and health services from the: General Fund—State .....	\$	((12,220,000))
		12,210,000

General Fund—Federal .....	\$	7,419,000
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(5) There is appropriated for other state agencies from the: General Fund—State .....	\$	((0,341,000))
		7,516,000

General Fund—Federal .....	\$	1,842,000
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(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase Revolving Fund .....	\$	21,652,000
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(7) The appropriations in this section shall be expended to implement:

(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education (excluding student employees not under the jurisdiction of the state or higher education personnel boards);

(b) Merit/market increases effective not later than January 1, 1985, and not to exceed ((~~\$3,140,000 (of which \$3,120,000 is from the general fund)~~) an average of 3.1% for faculty and administrative exempt employees of the four-year institutions of higher education(~~(-PROVIDED: That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section)~~). The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees

(excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983 through June 30, 1984.

(d) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1984, from \$159.00 per month to \$167.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$179.00 per eligible employee effective July 1, 1984.

(e) The state employees insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsections (c) and (d) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys resulting from a dividend or refund shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1984 act and in no case may the maximum premium paid be more than \$179.00 per month per eligible employee. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this 1984 act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed \$2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

(9) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

Sec. 503. Section 139, chapter 76, Laws of 1983 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 ..... \$ ~~(905,600)~~  
901,000

(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, 1985, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training Account .....	\$	49,590
General Fund—Off-Road Vehicle Account .....	\$	141
General Fund—Snowmobile Account .....	\$	2,027
General fund—Institutional Impact Account .....	\$	13,400
General Fund—Hospital Commission Account .....	\$	134
General Fund—State Timber Tax Reserve Account .....	\$	168
General Fund—Professional Engineers' Account .....	\$	6,063
General Fund—Real Estate Commission Account .....	\$	1,028
General Fund—Capital Building Construction Account .....	\$	1,046
General Fund—Motor Transport Account .....	\$	74,404
General Fund—Resource Management Cost Account .....	\$	1,728
General Fund—Litter Control Account .....	\$	18
General Fund—Traffic Safety Education Account .....	\$	379
General Fund—L.I.R. Waste Disposal Account .....	\$	11,079
General Fund—State Building Construction Account .....	\$	2,860
General Fund—Outdoor Recreation Account .....	\$	7,876
General Fund L.I.R. Water Supply Facilities Account .....	\$	1,715
General Fund—L.I.R. Account—Public Recreation Facilities .....	\$	3,173
Electrical License Fund .....	\$	4,489
State Game Fund .....	\$	<del>(15,414)</del>
		<u>11,414</u>
Highway Safety Fund .....	\$	20,897
Motor Vehicle Fund .....	\$	55,381
Public Service Revolving Fund .....	\$	5,488

State Treasurer's Service Fund .....	\$	25,108
Legal Services Revolving Fund .....	\$	822
General Administration Facilities and Services Revolving Fund .....	\$	615
Liquor Revolving Fund .....	\$	15,589
Accident Fund .....	\$	11,904
Medical Aid Fund .....	\$	16,629
Plumbing Certificate Fund .....	\$	147
Washington Library Network Computer System Revolving Fund .....	\$	23
Pressure System Safety Fund .....	\$	13
Total Appropriation .....	\$	<del>((349,348))</del> 345,348

Sec. 504. Section 141, chapter 76, Laws of 1983 1st ex. sess. as amended by section 602, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution .....	\$	3,852,000
General Fund Appropriation for refund of deferred property tax .....	\$	515,500
General Fund Appropriation for public utility district excise tax distribution .....	\$	<del>((16,415,000))</del> 16,363,000
General Fund Appropriation for prosecuting attorneys' salaries .....	\$	1,627,000
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	37,628,000
General Fund Appropriation for local mass transit assistance .....	\$	<del>((16,730,000))</del> 117,380,000
General Fund Appropriation for camper and travel trailer excise tax distribution .....	\$	1,364,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution .....	\$	653,749
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution .....	\$	20,624,310
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$	204,721,141
Liquor Revolving Fund Appropriation for liquor profits distribution .....	\$	51,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties .....	\$	15,920,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties .....	\$	14,750,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation .....	\$	20,169,962
General Fund—County Sales and Use Tax Equalization Account Appropriation .....	\$	6,779,819
Total Appropriation .....	\$	<del>((516,750,481))</del> 513,348,481

Sec. 505. Section 10, chapter 218, Laws of 1973 1st ex. sess. as amended by section 5, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,400,000 from the gambling revolving fund for the 1983-85 fiscal biennium.

Sec. 506. Section 2, chapter 27, Laws of 1973 and RCW 43.08.190 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed two million dollars from the state treasurer's service fund for the 1983-85 fiscal biennium.

Sec. 507. Section 12, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.610 are each amended to read as follows:

There is hereby established in the general fund of the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,500,000 from the motor transport account for the 1983-85 fiscal biennium.

NEW SECTION. Sec. 508. The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,300,000 from the public facilities construction loan and grant revolving account for the 1983-85 fiscal biennium.

Sec. 509. Section 3, chapter 134, Laws of 1969 as last amended by section 3, chapter 94, Laws of 1982 and RCW 81.53.281 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are not involved, the railroad shall, upon completion of the installation of any such signal or other protective device and related work, present its claim for reimbursement for the cost of installation and related work from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work. The commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010.

Within ninety days of the end of each fiscal year, the commission shall report to the legislative transportation committee, and the senate and house committees on transportation, the status of the grade crossing protective fund, including revenue sources, fund balances, and expenditures.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,200,000 from the grade crossing protective fund for the 1983-85 fiscal biennium.

NEW SECTION. Sec. 510. 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. 511. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Newhouse: "Would Senator McDermott tell us where we might find that? I don't seem to find it on this mess on my desk."

Senator McDermott: "Senator Newhouse, the bill is 1277 in the brown book and I don't know that there is an analysis in the calendar."

#### POINT OF INQUIRY

Senator McDermott: "Senator Talmadge, the Ways and Means Committee adopted your amendment striking two subsections in Section 202 of this bill relating to the reductions in DSHS Medical Assistance Programs. Does the deletion of that language from the original bill affect in any way the Department's authority to make those reductions?"

Senator Talmadge: "No, it does not. The committee actually struck three sections. RCW 74.09.035 and RCW 74.09.700, establishing the two medical programs--clearly authorize the Department to make the reductions it expects to have to make

in the next two months, without any additional action by the legislature. The statutes also authorize such reductions in the 1985-87 biennium, if they prove necessary, to keep the Department's expenditures within available revenue.

"These statutes were enacted in 1981, and given discretionary wording in order to permit reductions without legislative action. That management discretion is as valid today as it was then. The Ways and Means Committee removed the subsections mandating the reductions from this bill not because we intended that they not occur, but because we intended that the Department use the authority it was given four years ago in RCW 74.09.035 and RCW 74.090.700."

#### POINT OF INQUIRY

Senator Pullen: "Senator McDermott, is there a fiscal note on Substitute House Bill No. 314 and if so, can you tell me what the fiscal note says?"

Senator McDermott: "Senator Pullen, the fiscal note on this bill is plus 40.6 million dollars. It is dealing with the 38.8 million dollar projected fund imbalance at this point for finishing up this biennium, and this bill, through reversion and additional cuts, raises 40.6 million dollars so that we finish the biennium on target."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, perhaps by a way of clarification, unless I'm wrong, Senator McDermott, it doesn't raise anything. It's simply a transfer of monies from one fund to another. There are no taxes, and if anything there's less spending. It could be described as a bolts match, there are balances in revolving accounts; there are reversions in certain departments that have been identified. This is an attempt to prevent them from spending that money so that the budget stays in balance."

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Bottiger, would you call that light bulb snatching or something like that?"

Senator Bottiger: "Senator, in 1981 and 82 certain transfers of funds--Governor Spellman had to order departments to stop spending money so that the budget stayed in balance. Now, if you call that a light bulb snatch you are free to do it, but if on the other hand you, as I, share the knowledge of how departments end the fiscal year when they go out and buy everything they can so they use up every cent of money. If you call that preventing a light bulb snatch, then you would probably also be right."

#### MOTION

Senator Cantu moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 31, line 23, strike all of Sec. 408 through line 6, page 32.

Renumber remaining sections accordingly.

Debate ensued.

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

The motion by Senator Cantu failed and the amendment to the committee amendment was not adopted.

#### MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Moore to the Committee on Ways and Means amendment be adopted:

On page 38, line 26, after the words "direct the state treasurer to" strike the word "transfer" and insert the word "loan" and continue the rest of the sentence.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Zimmerman, is this the same revolving fund where they were going to build their own gambling building?"

Senator Zimmerman: "I don't know anything about that subject. I've heard that in committee but to my mind I cannot give you any information on that. I don't know anything about it."

Further debate ensued.

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

The motion by Senator Zimmerman carried and the amendment to the committee amendment was adopted on a rising vote.

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

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

#### MOTION

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

On page 1, beginning on line 1 of the title, after "state agencies," strike the remainder of the title and insert "amending section 8, chapter 76, Laws of 1983 1st ex. sess. as amended by section 107, chapter 285, Laws of 1984 (uncodified); amending section 10, chapter 76, Laws of 1983 1st ex. sess. as amended by section 109, chapter 285, Laws of 1984 (uncodified); amending section 11, chapter 76, Laws of 1983 1st ex. sess. as amended by section 110, chapter 285, Laws of 1984 (uncodified); amending section 22, chapter 76, Laws of 1983 1st ex. sess. as amended by section 117, chapter 285, Laws of 1984 (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 106, chapter 14, Laws of 1985 (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 107, chapter 14, Laws of 1985 (uncodified); amending section 29, chapter 76, Laws of 1983 1st ex. sess. as amended by section 121, chapter 285, Laws of 1984 (uncodified); amending section 31, chapter 76, Laws of 1983 1st ex. sess. as amended by section 123, chapter 285, Laws of 1984 (uncodified); amending section 201, chapter 14, Laws of 1985 (uncodified); amending section 203, chapter 14, Laws of 1985 (uncodified); amending section 66, chapter 76, Laws of 1983 1st ex. sess. as amended by section 215, chapter 285, Laws of 1984 (uncodified); amending section 72, chapter 76, Laws of 1983 1st ex. sess. as amended by section 220, chapter 285, Laws of 1984 (uncodified); amending section 73, chapter 76, Laws of 1983 1st ex. sess. as amended by section 221, chapter 285, Laws of 1984 (uncodified); amending section 74, chapter 76, Laws of 1983 1st ex. sess. as amended by section 222, chapter 285, Laws of 1984 (uncodified); amending section 76, chapter 76, Laws of 1983 1st ex. sess. as amended by section 224, chapter 285, Laws of 1984 (uncodified); amending section 83, chapter 76, Laws of 1983 1st ex. sess. as amended by section 304, chapter 285, Laws of 1984 (uncodified); amending section 86, chapter 76, Laws of 1983 1st ex. sess. as amended by section 305, chapter 285, Laws of 1984 (uncodified); amending section 87, chapter 76, Laws of 1983 1st ex. sess. as amended by section 306, chapter 285, Laws of 1984 (uncodified); amending section 89, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 301, chapter 14, Laws of 1985 (uncodified); amending section 96, chapter 76, Laws of 1983 1st ex. sess. as amended by section 501, chapter 285, Laws of 1984 (uncodified); amending section 103, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 502, chapter 14, Laws of 1985 (uncodified); amending section 107, chapter 76, Laws of 1983 1st ex. sess. as amended by section 508, chapter 285, Laws of 1984 (uncodified); amending section 110, chapter 76, Laws of 1983 1st ex. sess. as amended by section 510, chapter 285, Laws of 1984 (uncodified); amending section 111, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 511, chapter 285, Laws of 1984 (uncodified); amending section 13, chapter 21, Laws of 1983 1st ex. sess. (uncodified); amending section 133, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified); amending section 139, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 141, chapter 76, Laws of 1983 1st ex. sess. as amended by section 602, chapter 14, Laws of 1985 (uncodified); amending RCW 9.46.100, 43.08.190, 43.19.610, and 81.53.281; adding a new section to chapter 76, Laws of 1983 1st ex. sess. (uncodified); creating new sections; and declaring an emergency."

#### MOTION

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 314, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Vognild: "Senator McDermott, on the funds from the Gambling Commission, it was implied on the floor that that was going to affect enforcement. Could

you tell me if those funds are part of their operating budget or if they were surplus funds?"

Senator McDermott: "This, Senator, is money that has accumulated beyond those monies that were budgeted. That's why the talk began to arise about the possibility of building a building because they had the money sitting there and usually that attracts attention to people trying to figure out what to do with it. It will not affect the enforcement to gambling."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, there has been a lot of talk about gambling. It is not a gambling bill, but they say you're gambling with state funds. What I wanted to know is, could you explain why we do not consolidate the Gambling Commission and the Lottery Commission? We have two sets of inspectors running all over the state. We might even combine them with the liquor inspectors so they go from door-to-door and we could save on travel and save on employment, and save on administration."

Senator McDermott: "Senator Rasmussen, there is no good reason for not doing that, in my opinion. In fact there is a bill in Senator Warnke's committee on that subject. One of the nicest things about crisis is that occasionally you can get some movement and we actually may do something about that issue. I think there's no reason not to do that."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 314, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 314, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 38.

Voting nay: Senators Cantu, Craswell, Garrett, Goltz, Metcalif, Pullen, Rinehart, Talmadge, Williams, Zimmerman - 10.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

Senator McDermott moved that Engrossed Substitute Senate Bill No. 3656, which was on the concurring calendar, be referred to the Committee on Ways and Means.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I thought we needed a biennium budget instead of putting it back into Ways and Means."

Senator McDermott: "Senator Rasmussen, sometimes you have to get back and get a head start and get some momentum up so that you can get the thing over to where it ought to be in the proper form."

The President declared the question before the Senate to be the motion by Senator McDermott that Engrossed Substitute Senate Bill No. 3656 be referred to the Committee on Ways and Means.

The motion by Senator McDermott carried and Engrossed Substitute Senate Bill No. 3656 was referred to the Committee on Ways and Means.

#### MOTION

At 10:05 a.m., on motion of Senator Vognild, the Senate recessed until 11:30 a.m.

## SECOND MORNING SESSION

The Senate was called to order at 11:30 a.m. by President Cherberg.

## MOTION

At 11:30 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator McDermott, the appointment of Robert L. Hollister as a Director of the State Department of Retirement Systems was confirmed.

## APPOINTMENT OF ROBERT L. HOLLISTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 13; excused, 1.

Voting yeas: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, McDermott, McDonald, McManus, Metcalf, Newhouse, Peterson, Pullen, Rasmussen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Absent: Senators Bauer, Conner, Deccio, DeJarnatt, Halsan, Kreidler, Lee, Moore, Owen, Patterson, Rinehart, Stratton, Talmadge - 13.

Excused: Senator McCaslin - 1.

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

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4424 and has passed the bill as amended by the Free Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4424, reopening the certification period of the pollution control board for certain parties to the Yakima adjudication, have had the same under consideration and we recommend that Substitute Senate Bill No. 4424 be amended as follows and that the bill as amended by the Free Conference Committee do pass.

(See Report of Conference Committee on Substitute Senate Bill No. 4424 read in on April 26, 1985)

Signed by Senators Hansen, Benitz and Goltz; Representatives Vekich, Madsen and Doty.

## MOTION

On motion of Senator Hansen, the Report of the Free Conference Committee on Substitute Senate Bill No. 4424 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4424, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4424, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

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

Absent: Senators Bauer, Deccio - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 4424, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 848 and has granted said committee the powers of Free Conference and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 848, requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Substitute House Bill No. 848 read in on April 25, 1985)

Signed by Senators Talmadge, Newhouse and Halsan; Representatives K. Wilson, G. Nelson and Locke.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute House Bill No. 848 was adopted.

## MOTION

On motion of Senator Bender, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 848, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 848, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 848, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3029 and again requests a conference thereon. On April 23, 1985, the Speaker appointed as conferees: Representatives Locke, Winsley and Lux.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Williams, the request of the House for a conference on Substitute Senate Bill No. 3029, and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3029, and the House amendments thereto: Senators Williams, Deccio and Moore.

## MOTION

On motion of Senator Williams, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 832 and has granted said committee the powers of Free Conference.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 832, authorizing the acceptance of gifts by the world fair commission, have had the same under consideration and we recommend the Senate amendment be adopted with the following amendment by the Free Conference Committee and the bill do pass as amended.

On line 12, after "grants," strike "loans," and on line 24, after the period, insert: "As used in this section, gifts, grants and endowments may be temporary or permanent."

Signed by Senators Williams, Cantu and Wojahn; Representatives Kremen and McMullen.

## MOTION

On motion of Senator Williams, the Report of the Free Conference Committee on House Bill No. 832 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 832, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 832, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 832, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 131 and the pending motion by Senator Thompson that the Senate adopt the Report of the Conference Committee, deferred April 26, 1985.

#### POINT OF ORDER

Senator Kiskaddon: "Mr. President, a point of order. I believe the Free Conference Report really expands the scope and object of the bill and I would like a ruling."

#### MOTION

Senator Vognild moved that further consideration of Substitute House Bill No. 131 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that further consideration of Substitute House Bill No. 131 be deferred.

The motion by Senator Vognild carried and further consideration of Substitute House Bill No. 131 was deferred.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 190 and has granted said committee the powers of Free Conference and said report together with the bill are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 190, as amended by the Senate, revising provisions relating to escrow agents, have had the same under consideration and we recommend the bill be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Substitute House Bill No. 190 read in on April 25, 1985)

Signed by Senators Moore, Cantu and Bender; Representatives Wang, Cole and Patrick.

#### MOTION

Senator Vognild moved that the Report of the Free Conference Committee on Substitute House Bill No. 190 be adopted.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, the question I have is whether or not there is anything in this bill that would suggest that attorneys or any other professionals would have to be licensed to act as escrow agents? Just checking."

Senator Warnke: "No, there is not, Senator."

#### MOTION

On motion of Senator von Reichbauer, Senators Bluechel and Lee were excused.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate adopt the Report of the Free Conference Committee on Substitute House Bill No. 190.

The motion by Senator Vognild carried and the Report of the Free Conference Committee on Substitute House Bill No. 190 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 190, as amended by the Free Conference Committee.

### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 190, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Benitz - 1.

Excused: Senators Bluechel, Lee, McCaslin - 3.

SUBSTITUTE HOUSE BILL NO. 190, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 242, modifying provisions concerning the rights of crime victims, their survivors, and witnesses of crimes, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 145, Laws of 1981 and RCW 7.69.010 are each amended to read as follows:

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime and the civic and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to grant to the victims of crime and the survivors of such victims a significant role in the criminal justice system. The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.

Sec. 2. Section 2, chapter 145, Laws of 1981 and RCW 7.69.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act (~~committed by an adult or juvenile in this state which, if committed by a competent adult person, would constitute a crime as provided in either federal, state, or local statute~~) punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) (~~"Family member"~~) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, (~~or~~) legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

Sec. 3. Section 3, chapter 145, Laws of 1981 and RCW 7.69.030 are each amended to read as follows:

There shall be a reasonable effort made to ~~((assure))~~ ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(2) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(3) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(4) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(5) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(6) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(7) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(8) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance; ~~((and))~~

~~((To have the family members of homicide victims afforded all of the rights established under subsections (1) through (4), (6), and (7) of this section))~~ With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(10) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(11) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(12) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and

(13) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

NEW SECTION. Sec. 4. A new section is added to chapter 7.69 RCW to read as follows:

For purposes of this chapter, a victim who is incapacitated or otherwise incompetent shall be represented by a parent or present legal guardian, or if none exists, by a representative designated by the prosecuting attorney without court appointment or legal guardianship proceedings. Any victim may designate another person as the victim's representative for purposes of the rights enumerated in RCW 7.69.030.

NEW SECTION. Sec. 5. A new section is added to chapter 7.69 RCW to read as follows:

Nothing contained in this chapter may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding, nor may anything in this chapter be construed to grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to ensure that victims, survivors, and witnesses under this chapter have the rights enumerated in RCW 7.69.030 shall not result in civil liability against that person. This chapter does not limit other civil remedies or defenses of the offender or the victim or survivors of the victim.

Sec. 6. Section 11, chapter 137, Laws of 1981 as amended by section 5, chapter 209, Laws of 1984 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department.

Sec. 7, Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine, make restitution, and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and

place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

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

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

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

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such

person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

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

(14) This section shall apply to offenses committed before the effective date of this 1985 act.  
NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

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

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

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

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

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

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

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

(15) This section shall apply to offenses committed after the effective date of this act.

Sec. 9. Section 14, chapter 137, Laws of 1981 as amended by section 5, chapter 192, Laws of 1982 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

(5) This section shall apply to offenses committed before the effective date of this 1985 act.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and shall set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or

financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after the effective date of this act.

Sec. 11. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 239, Laws of 1983 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state (~~(- PROVIDED, THAT)~~), except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless ~~((a))~~:

(i) The injury or death was intentionally inflicted; ~~((b))~~

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or ~~((c))~~

(iii) The death or injury was the result of operation of a motor vehicle after July 24, 1983, and a conviction of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522, has been obtained (~~(- PROVIDED, FURTHER: (a) That)~~);

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsection ~~((s(c) and (d) above))~~ (2)(a)(iii) of this section; ~~((b) that)~~

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; ~~((c) that)~~ and

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 12. Section 3, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter 34.04 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

Sec. 13. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 311, chapter 258, Laws of 1984 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be ~~((fifty))~~ seventy dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and

((~~twenty-five~~)) forty-five dollars for any case or cause of action that includes convictions of one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Until June 30, 1987, each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. After that date, each county shall continue to provide for such comprehensive programs. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Until June 30, 1987, every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. After that date, every city and town shall transmit to the county a percentage of such money, up to one and seventy-five one-hundredths percent, which matches the percentage of court revenue the county provides under subsection (4) of this section.

Sec. 14. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one year after the date ~~((of))~~ the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued~~((:));~~ or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 15, Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 239, Laws of 1983 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

~~(b) ((The result of an act or acts committed by a person living in the same household with the victim;~~

~~(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption, or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:~~

~~(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and~~

~~(ii) The interests of justice require otherwise in the particular case;~~

~~(d) The result of the victim assisting, attempting, or committing a criminal act)) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony;~~  
or

~~((e))~~ (c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed ~~((five hundred dollars))~~ the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the

spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children:

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars may be granted as a result of any single injury or death.

~~((13) Notwithstanding the provisions of Title 51 RCW, no claim resulting from a single injury or death is eligible for benefits for the first two hundred dollars worth of loss suffered. PROVIDED, That this subsection does not apply to costs covered by RCW 7.68.170 or to other medical costs incurred by the victim of a sexual assault.))~~

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4) of this section, shall be limited to ten thousand dollars.

~~(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.~~

Sec. 16. Section 13, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 156, Laws of 1980 and RCW 7.68.130 are each amended to read as follows:

Benefits payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance available. Benefits payable after 1980 to victims injured or killed before 1980 shall be reduced by any other public or private insurance including but not limited to social security. Payment by the department under this chapter shall be secondary to such other insurance benefits, notwithstanding the provision of any contract or coverage to the contrary: PROVIDED, That in the case of private life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 17. The amendments to RCW 7.68.060 and 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985.

NEW SECTION. Sec. 18. There is appropriated from the public safety and education account in the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of two million two hundred forty-eight thousand dollars, or as much thereof as may be necessary, to carry out the purposes of sections 11 through 17 of this act.

Sec. 19. Section 1, chapter 58, Laws of 1975 and RCW 4.24.300 are each amended to read as follows:

Any person, including but not limited to a volunteer provider of emergency or medical services, who ((in good faith and not for)) without compensation or the expectation of compensation renders emergency care at the scene of an emergency or who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct. Any person rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care is excluded from the protection of this subsection.

Sec. 20. Section 2, chapter 58, Laws of 1975 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) ~~((“Good faith” means a state of mind denoting honesty of purpose, integrity, and a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the injured person is hospitalized.))~~ “Compensation” has its ordinary meaning but does not include nominal payments, reimbursement for expenses, or pension benefits.

(2) “Emergency care” means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) “Scene of an emergency” means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action other than in a hospital, doctor's office, or other place where qualified medical personnel practice or are employed.

Sec. 21. Section 8, chapter 49, Laws of 1970 ex. sess. and RCW 9.69.100 are each amended to read as follows:

(1) ~~Whoever, having witnessed the actual commission of a ((felony involving violence or threat of violence or having witnessed preparations for the commission of a felony involving violence or threat of violence)) violent offense as defined in RCW 9.94A.030(17) or preparations for the commission of such an offense, or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible ((make known his knowledge of such to)) notify the prosecuting attorney, ((police)) or law enforcement, medical~~

assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this ~~(act)~~ section shall be so construed to affect existing privileged relationships as provided by law: PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.

(2) For the purposes of this section, "felony sexual offense" means a sexual offense constituting a class B felony under chapter 9.68A, 9A.44, or 9A.64 RCW.

**NEW SECTION.** Sec. 22. The Washington state patrol shall establish a missing children clearinghouse which shall include the maintenance and operation of a toll-free, twenty-four-hour telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children. The state patrol shall also maintain a regularly updated computerized link with national and other state-wide missing person systems or clearinghouses.

"Child" or "children," as used in this chapter, means an individual under eighteen years of age.

**NEW SECTION.** Sec. 23. Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within twelve hours after notification of a missing child is received under RCW 13.32A.050 (1), (3), or (4). The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate.

**NEW SECTION.** Sec. 24. The superintendent of public instruction shall meet semiannually with the Washington state patrol to develop a coordinated plan for the distribution of information and education of teachers and students in the school districts of the state regarding the missing children problem in the state. The superintendent of public instruction shall encourage local school districts to cooperate by providing the state patrol information on any missing children that may be identified within the district.

**NEW SECTION.** Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 13 RCW.

**NEW SECTION.** Sec. 26. There is appropriated from the general fund to the Washington state patrol for the biennium ending June 30, 1987, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 22 through 24 of this act.

**NEW SECTION.** Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1985."

On page 1, on line 2 of the title, after "crime;" strike the remainder of the title and insert "amending RCW 7.69.010, 7.69.020, 7.69.030, 9.94A.110, 9.94A.120, 9.94A.140, 7.68.020, 7.68.030, 7.68.035, 7.68.060, 7.68.070, 7.68.130, 4.24.300, 4.24.310, and 9.69.100; adding new sections to chapter 7.69 RCW; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 13 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency."

Signed by Senators Talmadge, Newhouse and Halsan; Representatives Locke, Niemi and Tilly.

#### MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Substitute House Bill No. 242 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 461, modifying provisions on loans and grants to political subdivisions for public facilities, have had the same under consideration and we report that we

are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((nine persons appointed by the governor and))~~ the director of ~~((commerce))~~ trade and economic development, the director of ~~((planning and community affairs))~~ community development, the director of revenue, the commissioner of employment security, ~~((and the chairmen))~~ the secretary of the department of transportation, the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on ~~((commerce))~~ trade and economic development of the house of representatives ~~((and))~~, the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, ~~((for a total of seventeen members. The appointive members shall be as follows))~~ one member each from the committees on ways and means of the senate and house of representatives, or the equivalent standing committees, chosen by the president of the senate or the speaker of the house of representatives, as applicable, and the following members appointed by the governor: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of ~~((commerce))~~ trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 2. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 89, chapter 287, Laws of 1984 and by section 1 of this act and RCW 43.160.030 are each reenacted to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, the secretary of the department of transportation, the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on trade and economic development of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, one member each from the committees on ways and means of the senate and house of representatives, or the equivalent standing committees, chosen by the president of the senate or the speaker of the house of representatives, as applicable, and the following members appointed by the governor: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 3. Section 6, chapter 40, Laws of 1982 1st ex. sess. as amended by section 3, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including ~~((the cost of acquisition and))~~ development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. ~~((Grants))~~ A grant may also be authorized for purposes designated in this chapter, but only when ~~((grants are uniquely required)), and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.~~

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan unless the application includes convincing evidence that a specific private development or expansion is ready to occur and will only occur if the grant or loan is made.

(2) The board shall only make grants or loans for those projects which would result in specific private developments or expansions (a) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution, or (b) which substantially support the trading of goods or services outside of the state's borders. In no instance may the board make a grant or loan for a project where the primary purpose is to facilitate or promote a retail shopping development or expansion.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund ~~((those))~~ projects ~~((which will lead to the greatest employment once the initial project is completed))~~ in order of their priority.

(4) The board may not make a grant or loan for any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board may not make any grant or loan for the acquisition of real property, including buildings and other fixtures which are a part of real property.

(6) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

~~((Public facilities funds shall be used for projects to))~~ (7) The board shall only make loans or grants for projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities. ~~((The board shall determine whether or not the projects will assist in alleviating unemployment.))~~

(8) Before any loan or grant application is approved, the political ~~((subdivisions of the state))~~ subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to ~~((them))~~ it at costs reasonably similar to financing available from the community economic revitalization board.

NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

Each agency head of an executive branch agency who is appointed to the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings in which the agency head will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

In order to enhance competition for grants and loans and the quality of projects for which loans and grants are sought, the board shall take such reasonable measures as are necessary to familiarize government officials and members of the public with the provisions of this chapter, particularly the board's authority to make grants and loans.

NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the

three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties.

**NEW SECTION, Sec. 7. LEGISLATIVE FINDINGS AND POLICY.** The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

**NEW SECTION, Sec. 8. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in section 9 of this act.

(2) "Department" means the department of community development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

**NEW SECTION, Sec. 9. PUBLIC WORKS BOARD CREATED.** (1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

**NEW SECTION, Sec. 10. GENERAL POWERS OF THE BOARD.** The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(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 which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.04 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. 11. PUBLIC WORKS FINANCING POWERS. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

NEW SECTION, Sec. 12. ELIGIBILITY AND PRIORITY. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; and

(f) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by the legislature. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity

for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

**NEW SECTION.** Sec. 13. RECORDS, AUDITS, AND REPORTS. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.

**NEW SECTION.** Sec. 14. FEASIBILITY STUDY. The department shall study the feasibility of innovative financing and development alternatives, such as joint development or privatization, by which local governments may provide needed public services to users. The study shall be conducted on an expeditious basis, making maximum use of available expertise. The department shall report to the board and the legislature on the study's conclusions and recommendations as soon as practicable. The sum of \$75,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the public works trust fund to the department of community development for the purpose of this study.

**NEW SECTION.** Sec. 15. A new section is added to chapter 43.160 RCW to read as follows:

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.\_\_\_\_ RCW (sections 16 through 24 of this act) and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: Five members of the board including: (a) The chairman; (b) the county official; (c) the city official; (d) the port district official; and (e) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.

(4) Staff support to the subcommittee shall be provided by the department of trade and economic development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

#### PRIVATE ACTIVITY BONDS

**NEW SECTION.** Sec. 16. LEGISLATIVE FINDINGS AND POLICY. The federal deficit reduction act of 1984 imposes an annual ceiling on the aggregate amount of federally tax-exempt private activity bonds, including student loan bonds, industrial development bonds, and certain government activity bonds, that may be issued during any calendar year by or on behalf of states and their political subdivisions. The deficit reduction act of 1984 provides a formula for allocating the annual ceiling among various issuers of private activity bonds within a state, but permits each state to enact a different allocation method that is appropriate to that state's needs. The purpose of this chapter is to provide a flexible and efficient method of allocating the state ceiling in Washington in a manner that recognizes the need of the state and its political subdivisions to finance public improvements which are owned by those public entities and also promotes industrial and economic development, encourages private investment, and assists students seeking financial aid.

**NEW SECTION.** Sec. 17. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the community economic revitalization board as created by chapter 43.160 RCW.

(2) "Private activity bond subcommittee" means the subcommittee created by section 15 of this act.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond purchase agreement" means an executed agreement for the purchase of bonds which may or may not be contingent on the allocation of a portion of the state ceiling for the bonds.

(5) "Bond use category" means any of the following categories of bonds: Government activity bonds, industrial development bonds, or student loan bonds.

(6) "Code" means the federal internal revenue code as it exists, with amendments, on the effective date of this act. It also means the code as amended after the effective date of this act, but only if the amendments are approved by the board as provided in section 21 of this act.

(7) "Department" means the department of trade and economic development or its successor with respect to the powers and duties granted by this chapter.

(8) "Director" means the director of the department or the director's designee.

(9) "Government activity bonds" means bonds that are classified as private activity bonds under the code and that are neither student loan bonds nor revenue bonds issued under Article XXXII of the state Constitution.

(10) "Industrial development bonds" means nonrecourse revenue bonds issued under Article XXXII of the state Constitution.

(11) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds in the state.

(12) "Private activity bonds" means bonds that are private activity bonds as defined in the code.

(13) "State" means the state of Washington.

(14) "State ceiling" means for any calendar year the aggregate amount of private activity bonds that may be issued in the state under the code.

(15) "Student loan bonds" means bonds issued by an issuer that are student loan bonds as defined in the code.

**NEW SECTION. Sec. 18. ALLOCATION.** (1) The state ceiling shall be allocated each year initially as follows: Forty-five percent to government activity bonds; forty-five percent to industrial development bonds; and ten percent to student loan bonds. The allocation is subject to revision by the board as provided in section 20 of this act.

(2)(a) No issuer is eligible to file a notification form or receive an allocation for the financing of an individual project of more than seven and one-half million dollars of any government activity bond or industrial development bond allocation of the state ceiling without a certificate of approval from the board.

(b) In determining whether to issue a certificate of approval, the board may consider but is not limited to the following criteria:

(i) The number of employment opportunities the project is likely to create in relation to the amount of the bond issuance;

(ii) The level of unemployment in the geographic area likely to be affected by the project;

(iii) Public health and safety benefits;

(iv) The amount of state ceiling which remains unallocated;

(v) The number of persons who will benefit from the project; and

(vi) Other such criteria the board deems appropriate.

(c) The board may condition its certificate of approval on any terms it deems appropriate.

(3) The board shall issue or deny a certificate of approval within sixty days of the filing for an application for the certificate.

(4) The board may delegate to the private activity bond subcommittee of the board, by rule, any of its powers under this chapter.

(5) Subject to the provisions of this chapter, the portion of the state ceiling allocated to a bond use category shall be allocated automatically to an issuer of bonds in that category in the order of the date and time the issuer files a properly completed and signed notification form with the department.

**NEW SECTION. Sec. 19.** (1) The notification form filed by an issuer shall identify: (a) The amount of the state ceiling allocation that is sought; (b) the bond use category from which the allocation is to be made; (c) a certification by the issuer that a bond purchase agreement has been executed with respect to the bonds for which an allocation is sought; and (d) such other information or evidence of the issuer's intention to issue bonds as the director prescribes.

(2) If the principal amount of the bonds for which an allocation of the state ceiling is sought does not exceed the amount of the state ceiling available in the bond use category applicable to the bonds, the director shall mail a written allocation confirmation notice to the issuer within five business days after the filing of the issuer's notification form for the bonds.

(3) If the principal amount of the bonds for which an allocation of the state ceiling is sought exceeds the amount of the state ceiling available in the bond use category applicable, the director shall mail a written deficiency notice to the issuer within five business days after the filing of the issuer's notification form for such bonds and in that notice advise the issuer of the amount by which the principal amount of the bonds described in the notification form exceeds the available state ceiling. The issuer shall be entitled to an allocation of the remaining available state ceiling in the applicable bond use category upon its filing with the department within fifteen calendar days after the date of the director's deficiency notice, a written notice of the amount of the available state ceiling it will consume.

(4) State ceiling allocation notification forms filed in any year for which a full or partial deficiency notice was given by the director shall be retained on a waiting list. When any state ceiling becomes available that year or on January 1 of the following year for the bond use category for which the notification form was filed, the following rules apply: (a) The director shall notify by mail the issuers on the waiting list; and (b) those issuers who, within five business days of receipt of such notice, certify to the director their intention to issue bonds up to the amount stated in the original notification form, shall receive an allocation of the available state ceiling in the order the original notification forms were filed.

(5) Except as provided in section 20 (2) and (3) of this act, all allocations of the state ceiling shall expire on the ninety-first day after mailing of the director's allocation confirmation or the

notice of allocation, unless the bonds described in the issuer's state ceiling allocation notification form have been delivered to their original purchaser. Each issuer shall file a confirmation of delivery notice with the department within ten days after delivery of the bonds.

**NEW SECTION.** Sec. 20. REALLOCATION. (1) After June 1 of any year the board may, in its discretion, reallocate the remaining portion of the state ceiling in any bond use category allocated pursuant to section 18(1) of this act that has not been and does not appear reasonably likely to be consumed that year.

(2) The board may in its discretion grant an advanced allocation of the state ceiling in any future year of a portion of the state ceiling for a bond use category, subject to the limitations and criteria in section 18 of this act, and may waive the requirements under section 19(5) of this act that the bonds be issued within ninety days of the director's allocation confirmation and notice of allocation. Advanced allocations shall be deemed to have been received by issuers on January 1 of the year for which they are granted in each year, and in the order they were granted. Any advanced allocation shall be contingent on the existence of available state ceiling. Such advanced allocations shall be considered received before any new allocations are made in a given year.

(3) In December of any year, if the board finds that it is reasonably likely that a portion of the state ceiling otherwise would not be consumed, the board, in its discretion, may grant an allocation of the state ceiling to an issuer for financing of a specific project and waive the requirements under section 19(5) of this act that bonds be issued within ninety days after mailing of the director's allocation confirmation or notice of allocation. The issuer may then carry forward the allocation for the project for a period of time permitted by the code.

**NEW SECTION.** Sec. 21. RULE-MAKING AUTHORITY. (1) The board may adopt such rules as are necessary to carry out the purposes of this chapter.

(2) In order to permit the full use of the authorized state ceiling under the federal law, the board may adopt rules approving any amendments made to the code after the effective date of this act.

**NEW SECTION.** Sec. 22. ANNUAL REPORT. The department shall report annually at the start of each annual legislative session to the legislature and the governor on the allocations of the state ceiling made during the previous year.

**NEW SECTION.** Sec. 23. TERMINATION. The method for making new allocations of the state ceiling provided in sections 18, 19, and 20 of this act shall expire on December 31, 1988, unless extended by law for an additional fixed period of time, except that any guaranteed allocations granted under section 20(2) of this act and any allocations carried forward under section 20(3) of this act shall remain in full force and effect after that date.

**NEW SECTION.** Sec. 24. RATIFICATION. Any state ceiling allocations taken during 1984 or 1985 in conformance with the code and an applicable executive order of the governor are ratified and confirmed and shall remain in full force and effect notwithstanding any other provision of this act.

Sec. 25. Section 10, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.900 are each amended to read as follows:

The community economic revitalization board and its powers and duties shall be terminated on June 30, 1987, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, ((1987)) 1988. Any remaining duties of the community economic revitalization board after June 30, 1987, are transferred to the department of revenue on June 30, 1987.

**NEW SECTION.** Sec. 26. Sections 16 through 24 of this act shall constitute a new chapter in Title 39 RCW.

**NEW SECTION.** Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 28. CAPTIONS. As used in this act, section captions constitute no part of the law.

**NEW SECTION.** Sec. 29. CODIFICATION. Sections 7 through 13 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION.** Sec. 30. EFFECTIVE DATES. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 7 through 14 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1985.

(3) Sections 2 and 15 through 25 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

On page 1, line 1 of the title, after "development;" strike the remainder of the title, and insert "amending RCW 43.160.030, 43.160.060, and 43.160.900; reenacting RCW 43.160.030; adding new sections to chapter 43.160 RCW; adding a new chapter to Title 39 RCW; adding a new

chapter to Title 43 RCW; creating new sections; making an appropriation; providing effective dates; and declaring an emergency."

Signed by Senators Bottiger and Vognild; Representatives McMullen and J. King.

#### MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Substitute House Bill No. 461 was adopted and the committee was granted the powers of Free Conference.

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

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 718 and has granted said committee the powers of Free Conference and said report is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 718, clarifying taxation and assessments provisions pertaining to mobile homes, have had the same under consideration and we recommend the bill be amended as follows and the bill do pass as amended.

(See Report of Conference Committee on Engrossed House Bill No. 718 read in on April 26, 1985)

Signed by Senators McDermott, Zimmerman and Warnke; Representatives Appelwick, Barnes and Todd.

#### MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on Engrossed House Bill No. 718 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 718, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 718, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Benitz - 1.

Excused: Senators Bluechel, Lee, McCaslin - 3.

ENGROSSED HOUSE BILL NO. 718, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 805, requiring training in recognizing potential victims of child abuse, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 805, read in on April 26, 1985)

Signed by Senators Gaspard and Bender; Representatives Scott, Ebersole and Walker.

#### MOTION

On motion of Senator Gaspard, the Report of the Free Conference Committee on Substitute House Bill No. 805 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 805, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 805, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Craswell, Pullen, Zimmerman - 3.

Absent: Senators Bauer, Benitz - 2.

Excused: Senators Bluechel, Lee, McCaslin - 3.

SUBSTITUTE HOUSE BILL NO. 805, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 956, relating to the powers of local government in relation to federal grants and programs, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.730 are each amended to read as follows:

In order to improve the administration of authorized federal grants or programs, ~~((including revenue sharing))~~ to improve governmental efficiency(;) and services, ~~((and))~~ or to improve the general living conditions in the urban areas of the state, any city, town, or county ~~((utilizing federal or private funds))~~ may by lawfully adopted ordinance or resolution:

(1) Transfer to any public corporation, commission, or authority created hereunder, with or without consideration, any funds, real or personal property, property interests, or services ~~((all of which are received from the federal government or from private sources))~~;

(2) Organize and participate in joint operations or cooperative organizations funded by the federal government when acting solely as coordinators or agents of the federal government;

(3) Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts made in connection with such agreements or as may be proper to permit an orderly readjustment by participating corporations, associations, or individuals ~~((PROVIDED, HOWEVER, That nothing herein shall be construed in a manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution))~~;

(4) Create public corporations, commissions, and authorities to: Administer and execute federal grants or programs; ~~((to))~~ receive and administer private funds, goods, or services for

any lawful public purpose: ~~((and to)) and perform any lawful public purpose or public function. The ordinance or resolution shall limit the liability of such public corporations, commissions, and authorities to the assets and properties of such public corporation, commission, or authority in order to prevent recourse to such cities, towns, or counties or their assets or credit.~~

Sec. 2. Section 5, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.745 are each amended to read as follows:

Any city, town, or county which shall create a public corporation, commission, or authority pursuant to RCW 35.21.730 or 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

Any public corporation, commission, or authority created as provided in RCW 35.21.730 may be empowered to own and sell real and personal property; to contract with individuals, associations, and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds and issue bonds and other instruments evidencing indebtedness; ~~transfer (with or without consideration);~~ any funds, real or personal property, property interests, or services ~~((received from the federal government, private sources or, if otherwise legal, from a city or county));~~ to do anything a natural person may do; and to perform all manner and type of community services ~~((utilizing federal or private funds));~~ PROVIDED, That such public corporation, commission, or authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

Sec. 3. Section 3, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.735 are each amended to read as follows:

The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for such a public corporation. The provisions of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755.

All cities, towns and counties shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend federal or private funds for any lawful public purpose.

Sec. 4. Section 4, chapter 37, Laws of 1974 ex. sess and RCW 35.21.740 are each amended to read as follows:

Powers, authorities, or rights expressly or impliedly granted to any city, town, or county or their agents under any provision of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of any city or town implementing RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, unless so provided by contract between the city and another city or county.

Sec. 5. Section 7, chapter 37, Laws of 1974 ex. sess. as last amended by section 1, chapter 116, Laws of 1984 and RCW 35.21.755 are each amended to read as follows:

A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

NEW SECTION, Sec. 6. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in RCW 35.21.730 through 35.21.755 shall be construed in any manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution.

NEW SECTION, Sec. 7. A new section is added to chapter 35.21 RCW to read as follows:

It is the desire of the legislature that the citizens of newly incorporated cities or towns receive uninterrupted and adequate services in the period prior to the city or town government attaining the ability to provide such service levels. In addition to the services provided under RCW \_\_\_\_ (section 1, chapter 143, Laws of 1985), it is the purpose of this section to permit the county or counties in which a newly incorporated city or town is located to contract with the newly incorporated city or town for the continuation of essential services until the newly incorporated city or town has attained the ability to provide such services at least at the levels provided by the county before the incorporation. These essential services may include but are not limited to, law enforcement, road and street maintenance, drainage, and other utility services previously provided by the county before incorporation. The contract should be negotiated on the basis of the county's cost to provide services without consideration of capital assets which do not continue to be amortized for principal and interest or depreciated by the county. The exception for not considering capital assets which are no longer amortized for principal and interest or depreciated is recognition of the preexisting financial investment of citizens of the newly incorporated city or town have made in county capital assets.

Nothing in this section limits the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section.

Sec. 8. Section 1, chapter 189, Laws of 1967 and RCW 36.93.010 are each amended to read as follows:

The legislature finds that in metropolitan areas of this state, experiencing heavy population growth, increased problems arise from rapid proliferation of municipalities and haphazard extension of and competition to extend municipal boundaries. These problems affect adversely the quality and quantity and cost of municipal services furnished, the financial integrity of certain municipalities, and the consistency of local regulations~~((and many other incidents of local government))~~. Further, the competition among municipalities for unincorporated territory and the disorganizing effect thereof on land use, the preservation of property values and the desired objective of a consistent comprehensive land use plan for populated areas, makes it appropriate that the legislature provide a method ((of guiding and controlling)) for the review of the creation and growth of municipalities in metropolitan areas so that such problems may be avoided and that residents and businesses in those areas may rely on the ((logical)) orderly and beneficial growth of local government affecting them in accordance with this chapter.

Sec. 9. Section 7, chapter 189, Laws of 1967 and RCW 36.93.070 are each amended to read as follows:

The members of each boundary review board shall elect from its members a chairman, vice chairman, and shall employ a nonmember as chief clerk, who shall be the secretary of the board. The board shall determine its own rules and order of business and shall provide by resolution for the time and manner of holding all regular or special meetings~~((and))~~, provided that all meetings shall be subject to chapter 42.30 RCW. The board shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk may invoke the aid of any court of competent jurisdiction to carry out such powers.

The board by rule may provide for hearings by panels of members consisting of not less than five board members, the number of hearing panels and members thereof, and for the impartial selection of panel members. A majority of a panel shall constitute a quorum thereof.

At the request of the board, the state attorney general, or at the board's option, the county prosecuting attorney, shall provide counsel for the board.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

Each member of the board shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the boundary review board. Each board of county commissioners shall provide such funds as shall be necessary to pay the salaries of the members and staff, and such other expenses as shall be reasonably necessary.

Sec. 10. Section 7, chapter 10, Laws of 1982 and RCW 36.93.090 are each amended to read as follows:

(1) Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board, which may review any such proposed actions pertaining to:

((+)) (a) The: (i) Creation, ~~((dissolution;))~~ incorporation, ~~((disincorporation, consolidation;))~~ or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (ii) consolidation of special purpose districts, but not including consolidation of cities and towns; or (iii) dissolution or disincorporation of a city, town, or special purpose district.

except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; or

~~((2))~~ (b) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

~~((3))~~ (c) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

~~((4))~~ (d) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

~~((5))~~ (e) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

(2) In addition to any other notification required by law, notification of an action described in this section shall be provided to those persons residing outside, but within a one-half mile radius, of the area being considered for the proposed action. Notification shall consist of posting a notice in four locations in the area described in this subsection not more than fifteen days after the filing of the notice of intention. In addition, notice of the proposed action shall be given by publication in a newspaper of general circulation in the area at least once, not less than fifteen days after the filing of the notice of intention.

Sec. 11. Section 10, chapter 189, Laws of 1967 as last amended by section 1, chapter 76, Laws of 1983 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within sixty days of the filing of a notice of intention:

~~(1) (The chairman or any three members of the boundary review board files a request for review;~~

~~(2)) Any governmental unit affected or the elected county executive or a majority of the legislative authority of the county in which the action occurs files a request for review;~~

~~((3)) (2) A petition requesting review is filed and is signed by;~~

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(3) The majority of the members of the boundary review board, acting in a public meeting, concur with a request for review when a petition requesting the review is filed and signed by five percent of the registered voters who deem themselves affected by the proposed action and who reside in the surrounding territory within one-half mile of the area being considered for the proposed action, but not within the governmental unit or units considering the proposed action.

If a period of sixty days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 12. Section 5, chapter 147, Laws of 1984 and RCW 36.93.105 are each amended to read as follows:

Annexations of territory to a water or sewer district pursuant to RCW 36.94.410 through 36.94.440 shall not be subject to filing with nor reviewed by a boundary review board.

Sec. 13. Section 12, chapter 189, Laws of 1967 as amended by section 6, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.120 are each amended to read as follows:

~~A fee of ((twenty-five)) one hundred dollars shall be paid by all initiators ((and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, the person or entity seeking review, except for the boundary review board itself, shall pay to the county treasurer and place in the county current expense fund the sum of one hundred dollars)).~~

Sec. 14. Section 15, chapter 189, Laws of 1967 as last amended by section 13, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not

interfere with the authority of a city or town to require or not require preannexation agreements, covenants, or petitions:

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: PROVIDED, That a board shall not have jurisdiction over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city or town annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120: PROVIDED, That such addition or deletion shall not invalidate the application of RCW 36.93.180(10).

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is substantial evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 15. Section 2, chapter 216, Laws of 1982 and RCW 39.50.010 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.

(1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated;

(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;

(3) "Municipal corporation" means any city, town, county, water district, sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, or fire protection district or any other municipal or quasi municipal corporation described as such by statute, except joint operating agencies under chapter 43.52 RCW;

(4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and

(5) "Short-term obligations" are warrants, notes, or other evidences of indebtedness, except bonds (~~which mature in not to exceed three years after the date thereof~~).

Sec. 16. Section 5, chapter 216, Laws of 1982 as amended by section 2, chapter 71, Laws of 1985 and RCW 39.50.040 are each amended to read as follows:

Short-term obligations may, from time to time, be renewed or refunded by the issuance of short-term obligations and may be funded by the issuance of revenue, local improvement district, special assessment, or general obligation bonds. Short-term obligations payable from taxes shall not be renewed or refunded to a date later than six months from the end of the fiscal year in which the original short-term obligation was issued. For the purpose of this section, short-term obligations issued in anticipation of the sale of general obligation bonds shall not be considered to be short-term obligations payable from taxes.

NEW SECTION. Sec. 17. Section 1, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.725 are each repealed."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 35.21.730, 35.21.745, 35.21.735, 35.21.740, 35.21.755, 36.93.010, 36.93.070, 36.93.090, 36.93.100, 36.93.105, 36.93.120, 36.93.150, 39.50.010, and 39.50.040; adding new sections to chapter 35.21 RCW; and repealing RCW 35.21.725."

Signed by Senators Thompson and Fleming; Representatives Nutley, Haugen and Brough.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 956 was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE JOINT RESOLUTION NO. 23, authorizing ad valorem taxing districts for public improvements, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate committee amendment to page 1, line 1 be adopted with the following amendments:

On page 2 of the committee amendment, beginning with "In" on line 5, strike everything through "section." on line 19:

On page 2 of the committee amendment beginning with "Any" on line 28, strike everything through "indebtedness." on line 34, and insert the following:

"Any such public obligations payable solely from revenues from these public improvements, including such property taxes levied against the increases in real property value and other available non-tax money shall not be the general obligation of or guaranteed by all or any part of the full faith and credit of the sponsor or any other state or local government, or any tax revenues other than tax allocation revenues, and shall not be considered a debt of the sponsor or other state or local government for general indebtedness limitation purposes."

On page 3, beginning on line 11, strike "(1) Capital" and insert "capital"

Beginning on page 1, line 1, strike all material through "state." on page 3, line 13 and insert the following:

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the state Constitution by adding a new section to read as follows:

Article VII, section . . . . . Notwithstanding any provision of this Constitution, the legislature may by general law for the purpose of permitting special financing of public improvements authorize the legislative authority of any county, city, or town to create boundaries, within its jurisdiction, after such legislative authority conducts a public hearing, containing only that real property which the legislative authority determines will be increased in true and fair value by reason of specified public improvements within those boundaries. The legislature may further provide that all or a portion of the property taxes levied within those boundaries against increases in the true and fair value of such real property may be used to pay for the specified public improvements or to pay public obligations incurred to fund the specified public improvements. Any such public obligations payable solely from revenues from these public improvements, including such property taxes levied against the increases in real property value and other available nontax money shall not be the general obligation of or guaranteed by all or any part of the full faith and credit of the sponsor or any other state or local government, or any tax revenues other than tax allocation revenues, and shall not be considered a debt of the sponsor or other state or local government for general indebtedness limitation purposes.

For purposes of this section, "property taxes" means:

(1) Property taxes subject to the aggregate limitation on tax levies by the state and all taxing districts in section 2 of this Article; and

(2) Property taxes levied by port districts and public utility districts, except for property taxes levied specifically for the purpose of making required payments of principal and interest on general indebtedness.

For purposes of this section, "public improvements" means capital projects that benefit the public at large and do not discriminate against any citizen on the basis of race, national origin, color, sex, age, economic status, or the presence of any sensory, mental, or physical handicap.

Nothing in this section authorizes the provision of public improvements which counties, cities, and towns may not otherwise provide.

Nothing in this section authorizes a county, city, or town to exercise powers of eminent domain contrary to the provisions of Article I, section 16.

Nothing in this section authorizes a county, city, or town to pledge all or part of its full faith and credit without complying with the laws relating to the incurring of general indebtedness, including Article VIII, section 1 and Article VIII, section 6, or to aggregate tax levies in excess of the limitation on levies in section 2 of this Article.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Signed by Senators Goltz and McManus; Representatives McMullen, Tanner and Dobbs.

#### MOTION

Senator Warnke moved that the Report of the Conference Committee on House Joint Resolution No. 23 be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

#### MOTION

Senator Rasmussen moved that further consideration of House Joint Resolution No. 23 be deferred until Senator McCaslin returned to the Senate floor.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen to defer further consideration of House Joint Resolution No. 23.

The motion by Senator Rasmussen failed and the Senate continued consideration of the Report of the Conference Committee on House Joint Resolution No. 23.

The President declared the question before the Senate to be the motion by Senator Warnke to adopt the Report of the Conference Committee on House Joint Resolution No. 23 and to grant the committee the powers of Free Conference.

The motion by Senator Warnke carried and the Senate adopted the Report of the Conference Committee on House Joint Resolution No. 23 and the committee was granted the powers of Free Conference.

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

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has rejected the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3066 and refuses to adopt such report and recommends that the report be returned to the Free Conference Committee; such report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, modifying provisions relating to gambling, have had the same under consideration and we recommend the House amendment as amended by the Free Conference Committee as follows be adopted and the bill do pass as amended:

On page 3 of the House amendment, beginning on line 1 strike "~~((which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and))~~" and insert "which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and"

Signed by Senators Warnke and Moore; Representatives Wang and R. King.

## MOTION

Senator Vognild moved that the Senate refuse to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate refuse to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066.

The motion by Senator Vognild carried on a rising vote and the Senate refused to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066 and the report was returned to the Free Conference Committee.

## MESSAGES FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 804 and has passed the bill as recommended by the Conference Committee.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 843 and has passed the bill as recommended by the Conference Committee.

DENNIS L. HECK, Chief Clerk

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 625 and has passed the bill as recommended by the Conference Committee.

DENNIS L. HECK, Chief Clerk

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4231 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4231, adjusting hunting and fishing license fees, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 17, chapter 310, Laws of 1981 and RCW 77.32.060 are each amended to read as follows:

~~((Persons authorized to issue licenses, permits, tags, stamps, and punchcards may charge and keep up to fifty cents for each license issued, and up to))~~ The commission may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The commission shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The commission shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 2. Section 20, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 20, chapter 310, Laws of 1981 and RCW 77.32.101 are each amended to read as follows:

(1) A hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is twenty-four dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is ~~((ten)) twelve dollars ((and fifty cents))~~ for residents and one hundred twenty-five dollars for nonresidents.

(3) A fishing license allows the holder to fish throughout the state. The fee for this license is ~~((twelve)) fourteen~~ dollars for residents and ~~((thirty)) forty~~ dollars for nonresidents.

Sec. 3. Section 27, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 22, chapter 310, Laws of 1981 and RCW 77.32.161 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((nine)) seven~~ dollars for residents and fourteen dollars ~~((and fifty cents))~~ for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 4. Section 23, chapter 310, Laws of 1981 and RCW 77.32.191 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state. A state trapping license is void on April 1st following the date of issuance. The fee for this license is ~~((twenty-five)) thirty~~ dollars for residents sixteen years of age or older, twelve dollars for residents under sixteen years of age, and one hundred ~~((twenty-five)) fifty~~ dollars for nonresidents.

Sec. 5. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 284, Laws of 1983 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and ~~((two hundred fifty)) five hundred~~ dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the commission. The fee for this license is ~~((fifty)) sixty~~ dollars for the first year and ~~((thirty)) forty~~ dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ~~((ten)) twenty~~ dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is ~~((ten)) twenty~~ dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the commission. The fee for this license is one hundred fifty dollars.

Sec. 6. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 2, chapter ... (HB 479), Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) Subject to subsection (7) of this section, a person seventy years of age or older who has been a resident for ten years ((or a)) may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20-.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((3))~~ (4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

~~((4))~~ (5) A fishing license is not required for persons under the age of ~~((sixteen)) fifteen~~.

~~((5))~~ (6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

(7) (a) By January 1, 1986, the game commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.

(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.

Sec. 7. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 30, chapter 310, Laws of 1981 and RCW 77.32.256 are each amended to read as follows:

The commission shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is ~~((five))~~ eight dollars.

Sec. 8. Section 11, chapter 310, Laws of 1981 as amended by section 5, chapter 240, Laws of 1984 and RCW 77.32.340 are each amended to read as follows:

A supplemental stamp is required to hunt deer, elk, bear, cougar, sheep, mountain goat, moose, or wild turkey.

(1) The fee for a resident deer stamp is ~~((ten))~~ fifteen dollars. The fee for a nonresident deer stamp is fifty dollars.

(2) The fee for a resident elk stamp is ~~((fifteen))~~ twenty dollars. The fee for a nonresident elk stamp is ~~((seventy-five))~~ one hundred dollars.

(3) The fee for a resident bear stamp is ~~((ten))~~ fifteen dollars. The fee for a nonresident bear stamp is ~~((seventy-five))~~ one hundred fifty dollars.

(4) The fee for a resident cougar stamp is ~~((ten))~~ twenty dollars. The fee for a nonresident cougar stamp is ~~((one))~~ three hundred ~~((fifty))~~ dollars.

(5) The fee for a mountain goat stamp is ~~((thirty-five))~~ fifty dollars ~~((which))~~ for residents and one hundred fifty dollars for nonresidents. The fee shall be paid at the time of application. Applicants who are not selected for a mountain goat special season permit shall receive a refund of this fee, less five dollars.

(6) The fee for a sheep stamp is seventy-five dollars for residents and three hundred dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a sheep special season permit shall receive a refund of this fee, less five dollars.

(7) The fee for a moose stamp is one hundred fifty dollars for residents and three hundred dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a moose special season permit shall receive a refund of this fee, less five dollars.

(8) The fee for a wild turkey stamp is ~~((ten))~~ fifteen dollars.

(9) To be valid, supplemental stamps required under this section shall be permanently affixed to the transport tag at the time of purchase and the stamp numbers shall be legibly transferred to the hunting license.

(10) Supplemental stamps required under this section expire on March 31st following the date of issuance.

Sec. 9. Section 12, chapter 310, Laws of 1981 as amended by section 6, chapter 240, Laws of 1984 and RCW 77.32.350 are each amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is ~~((six))~~ ten dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is ~~((six))~~ eight dollars.

~~(3) (An archery stamp is required to hunt with a bow and arrow during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.~~

~~(4) A muzzleloading firearm stamp is required to hunt with a muzzleloading firearm during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.~~

~~(5) A falconry ((stamp)) license is required to possess or hunt with a falcon ((during)), including seasons established exclusively for hunting in that manner. The fee for this ((stamp)) license is ((fifteen)) thirty dollars.~~

~~((6))~~ (4) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

~~((7))~~ (5) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance.

Sec. 10. Section 13, chapter 310, Laws of 1981 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is ~~((five))~~ fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule of the commission.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is ~~((twelve))~~ fifteen dollars ~~((and fifty cents))~~.

~~((6)) (6)~~ Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((6)) (7)~~ Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 11. Section 15, chapter 310, Laws of 1981 and RCW 77.32.380 are each amended to read as follows:

~~((A conservation license is required to be displayed on all vehicles parked on game department lands or using game department access facilities which shall be clearly identified.))~~ Persons sixteen years of age or older who use clearly identified game department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ~~((five))~~ eight dollars annually. ~~((The license shall be issued to the registered owner of the vehicle and is nontransferable.))~~

~~A conservation license shall be issued without charge to persons possessing a hunting, fishing, trapping, or free license.))~~

~~The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use game department lands and access facilities when accompanied by the license holder.~~

~~Youth groups may use game department lands and game access facilities without possessing a conservation license when accompanied by a license holder.~~

~~The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.~~

NEW SECTION. Sec. 12. Section 118, chapter 78, Laws of 1980 and RCW 77.32.310 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

In line 2 of the title, after "77.32.211," insert "77.32.230."

Signed by Senators Owen, Metcalf and Halsan; Representatives Sutherland, Sanders and McMullen.

#### MOTION

On motion of Senator Owen, the Report of the Conference Committee on Substitute Senate Bill No. 4231 was adopted and the committee was granted the powers of Free Conference.

#### MOTION

At 2:40 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:54 p.m. by President Cherberg.

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Warnke, the appointment of Jim Caley as a member of the State Lottery Commission was confirmed.

#### APPOINTMENT OF JIM CALEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bauer - 1.

Excused: Senator McCaslin - 1.

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

## REPORTS OF STANDING COMMITTEES

April 27, 1985

SB 3678 Prime Sponsor, Senator McDermott: Relating to revenue and taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3678 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Deccio, Fleming, Goltz, Lee, McDonald, Talmadge, Wojahn, Zimmerman.

Hold.

April 27, 1985

SSB 3679 Prime Sponsor, Committee on Ways and Means (originally sponsored by Senator McDermott): Authorizing general obligation bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3679 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTION

On motion of Senator Vognild, the rules were suspended Senate Bill No. 3678 and Substitute Senate Bill No. 3679 were advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator von Reichbauer, Senators Bluechel, Lee and Kiskaddon were excused.

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

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 3167 and has passed the bill as amended by the Free Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3167, extending timeshare regulation, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Senate Bill No. 3167, read in on April 25, 1985)

Signed by Senators Talmadge, Newhouse and Halsan; Representatives Armstrong, Hargrove and Van Luvan.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Senate Bill No. 3167 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3167, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3167, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Bauer - 1.

Excused: Senators Bluechel, Kiskaddon, Lee, McCaslin - 4.

SENATE BILL NO. 3167, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3390 and has passed the bill as amended by the Free Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3390, changing nursing home auditing standards, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 3390, read in on April 25, 1985)

Signed by Senators Fleming, Deccio and McDermott; Representatives Brekke, Braddock and B. Williams.

## MOTION

On motion of Senator McDermott, the Report of the Free Conference Committee on Substitute Senate Bill No. 3390 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3390, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3390, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Bauer - 1.

Excused: Senators Bluechel, Kiskaddon, Lee, McCaslin - 4.

SUBSTITUTE SENATE BILL NO. 3390, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

SUBSTITUTE SENATE BILL NO. 3679, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Relating to general obligation bonds.

## MOTION

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3679 was substituted for Substitute Senate Bill No. 3679 and the second substitute bill was read the second time.

## MOTION

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 3679 was deferred.

## SECOND READING

SENATE BILL NO. 3678, by Senator McDermott

Relating to revenue and taxation.

## MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3678 was substituted for Senate Bill No. 3678 and the substitute bill was read the second time.

## MOTION

Senator Hansen moved the following amendment be adopted:

On page 3, after line 9, insert the following:

"Sec. 3. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

"To manufacture" shall not include cleaning, treating, or packaging seed for use in planting, or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state."

Renumber the remaining sections accordingly.

Debate ensued.

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

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

## MOTION

Senator Owen moved the following amendment be adopted:

On page 3, after line 9, insert the following:

"Sec. 3. Section 82.04.270, chapter 15 laws of 1961 as last amended by section 4, chapter 172, Laws of 1981 and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (8) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the

state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. This proviso shall also not apply to businesses which distribute articles to retail outlets with twenty-five percent or more of total sales which are exempt from sales tax pursuant to RCW 82.08.0293. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets."

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendment was adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Kreidler, Lee, McDermott, McManus, Metcalf, Newhouse, Owen, Paterson, Peterson, Rinehart, Thompson, Vognild, von Reichbauer, Warnke - 25.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, DeJarnatt, Garrett, Guess, Halsan, Hayner, Johnson, McDonald, Moore, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Williams, Wojahn, Zimmerman - 22.

Excused: Senators Kiskaddon, McCaslin - 2.

#### MOTION

On motion of Senator Goltz, the following title amendment was adopted:  
On page 1, line 2 of the title, after "82.04.440" insert "; amending RCW 82.04.120"

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, I'm a little curious because it appears to me that this is the same language that we had in Senate Bill No. 4228 and you didn't defend it quite so assiduously when it was dropped in the House on that bill. What's happened since then?"

Senator McDermott: "Well, Senator Newhouse, I'm not above learning. New information has come to me on a wide range of subjects and I think this is now a good bill."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, Section 2 has a very strange provision--'Any city having a population of over a 140,000 may impose a sales tax.' Is that quite common giving cities different levels of sales tax and then it would appear that this would be a tax on anything that moves, both the sales and the use tax, gasoline and everything?"

Senator McDermott: "Well, Senator Rasmussen, there is a need for a bridge over troubled waters."

Senator Rasmussen: "And there is the assurance of the Governor that he will veto this and just leave the Armco bill?"

Senator McDermott: "That was my understanding on the information that I had received, but I did not hear it from him myself. I knew that new amendments on the floor--are you catching the signal over my shoulder?"

Senator Rasmussen: "Well, I'm seeing Becky and she is saying everything will be all right."

Senator McDermott: "I think it's safe to say you can vote for this and do good things for the state, Slim."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3678.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3678, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Guess, Halsan, Hayner, Metcalf, Pullen, Rasmussen, Saling, Sellar - 13.

Excused: Senators Kiskaddon, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3367 and has passed the bill as amended by the Free Conference Committee; and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3367, revising public disclosure laws, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3367, read in on April 25, 1985)

Signed by Senators Talmadge, Pullen and Halsan; Representatives Fisher, Fisch and Barnes.

#### MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3367 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3367, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3367, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Pullen - 2.

Excused: Senators Kiskaddon, McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3367, as amended by the Free Conference Committee, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3261, and the Speaker has appointed as conferees: Representatives Todd, Belcher and Sanders.

DENNIS L. HECK, Chief Clerk

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Warnke, the appointment of Judith Lonquist as a member of the State Lottery Commission was confirmed.

##### APPOINTMENT OF JUDITH LONNQUIST

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Bluechel, Lee - 3.

Excused: Senators Kiskaddon, McCaslin - 2.

##### MOTION

On motion of Senator Warnke, the appointment of Thomas P. Keefe as a member of the State Gambling Commission was confirmed.

##### APPOINTMENT OF THOMAS P. KEEFE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bauer, Bluechel - 2.

Excused: Senators Kiskaddon, McCaslin - 2.

##### MOTION

On motion of Senator Warnke, the appointment of Juli Vraives Anderson as a member of the State Gambling Commission was confirmed.

##### APPOINTMENT OF JULI VRAIVES ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, McCaslin - 2.

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

## MESSAGES FROM THE HOUSE

April 27, 1985

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 849 and passed the bill as amended by the Senate.  
SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1065 and passed the bill as amended by the Senate.  
SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1056 and passed the bill as amended by the Senate.  
SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 174 and passed the bill as amended by the Senate.  
SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 848 and passed the bill as amended by the Free Conference Committee.  
SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The Speaker has signed:  
SENATE BILL NO. 3173,  
SUBSTITUTE SENATE BILL NO. 3254,  
SENATE BILL NO. 3812, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 27, 1985

Mr. President:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 3207,  
SUBSTITUTE SENATE BILL NO. 4189,  
SUBSTITUTE SENATE BILL NO. 4209,  
SUBSTITUTE SENATE BILL NO. 4228, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 27, 1985

Mr. President:

The Speaker has signed:  
HOUSE BILL NO. 66,  
SUBSTITUTE HOUSE BILL NO. 69,  
HOUSE BILL NO. 318,  
SUBSTITUTE HOUSE BILL NO. 358,  
SUBSTITUTE HOUSE BILL NO. 546, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 66,  
 SUBSTITUTE HOUSE BILL NO. 69,  
 HOUSE BILL NO. 318,  
 SUBSTITUTE HOUSE BILL NO. 358,  
 SUBSTITUTE HOUSE BILL NO. 546.

There being no objection, the Senate resumed consideration of the Report of the Conference Committee on Substitute House Bill No. 131, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "As a point of information, the President respectfully reminds the members that a question of scope and object on conference reports is different from a scope and object ruling on Senate and House Bills prior to the conference process.

"Senate Rule 65 governs the questions of scope and object prior to conference and states 'No amendment shall change the scope and object of the bill.' Joint Rule 8 governs these rulings in the conference process and allows committees to 'consider items within the scope and object of the title of the bill in conference.'

"The President hopes this point will clarify these matters."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kiskaddon, the President finds that Substitute House Bill No. 131 is a measure whose title is 'An act relating to the regulation of health and health-related professions and businesses.' The President believes this to be a very broad title with the scope and object of regulation of health related activities.

"The amendment proposed by the conference committee includes the regulation of mental health and health related activities which fall within the scope and object of this broad title.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the title and that the point of order is not well taken."

The Report of the Conference Committee on Substitute House Bill No. 131 was ruled in order.

The President declared the question before the Senate to be the motion by Senator Thompson to adopt the Report of the Conference Committee on Substitute House Bill No. 131 and to grant the power of Free Conference.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. The motion is to grant free conference powers. Does the twenty-four hour period run from the time we grant the powers of free conference? It is not clear to me and the fact that we are going to grant powers of free conference, it should be twenty-four hours from that time in order that we may study the bill and if the President wants to take a little time working on that, that is fine. I don't care, but I think it should be cleared up."

## REPLY BY THE PRESIDENT

President Cherberg: "The twenty-four hour period has already gone by, Senator."

Senator Rasmussen: "Before we have the Free Conference Report? We haven't granted the powers, Mr. President. I don't know how that can run without granting the powers of free conference."

President Cherberg: "It has not been granted the powers of free conference as yet."

Senator Rasmussen: "That is correct. That is my question. It takes twenty-four hours for the report to lay on our desks after we've granted the powers of free conference. Mr. President, I would suggest that you take a little time and we can research that rather than take the advice right off of the curb."

President Cherberg: "Senator Bottiger."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Rasmussen, I too have watched and learned and if you notice the rules were changed because of some very good points that you made two years ago, so that the twenty-four hour period begins to run when the report is put on your desk and now each report has a date and time on it so you know when the twenty-four hours has started."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger's remarks are correct."

Senator Rasmussen: "Regarding the date and time, but it doesn't seem to coincide with the time it arrives on my desk and I would commend this to Senator Goltz, it is a very important question. How can you run the twenty-four hour period? We do provide further protection in there that you can suspend the twenty-four hour period by two-thirds vote and that is a protection for the body, if you think it's important enough.

"I would urge the President to take a little time and let's look at it, if not together, with our attorney."

## REMARKS BY SENATOR GRANLUND

Senator Granlund: "Thank you, Mr. President. Senator Rasmussen didn't ask to yield for a question, but I will answer it any way. This report has been on our desks since early yesterday afternoon. The motion before the body right now is to accept the conference report and to grant the powers of free conference. That's the motion that we are speaking to now. We have had scope and object raised and that has been decided in favor of the bill and I would ask all of you, I realize that we have all supported 131 when it came in before and the issue, of course, now is 470. This is an issue that has been before us, maybe for the last six or seven years, or maybe it goes back further than that when there were more and more people coming in saying that we needed to do something about regulations as it applies to mental health counselors. We've had many, many times when you pick up the paper and see abuses that have happened and it points out the fact that we need some kind of rules and regulations. Obviously, more education and certification isn't going to all of a sudden make someone more ethical but it certainly is going to be a better guideline for someone when they go for that kind of help that they know that this person has been certified.

"I think there's a real need for this kind of legislation and I think there has been a lot of scare tactics out about what the legislation will do or will not do, but I think there is a real concern out there by many, many people, of those who would be predators of very vulnerable people that come to see them and I hope you will support this."

## MOTION

Senator Sellar moved that further consideration of Substitute House Bill No. 131 be deferred until 7:30 p.m.

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Vognild, you say that we are going to have some time to debate the issue. Would you go through that again, I didn't quite understand what you were offering?"

Senator Vognild: "The procedure on a free conference granting--as we grant the powers of free conference--on a House Bill the next motion would be to accept the Report of the Free Conference. The bill is then before us for passage at which time it may or may not be debated. What I'm saying is, that motion will not be made until after we have recessed for an hour for something to eat. At that point in time, the motion will be made to accept the Free Conference Report, the debate will then, I am sure, ensue and the vote will be taken."

Senator Deccio: "Do you have any idea of what time that will be? What time are we talking about?"

Senator Vognild: "I am planning for a one-hour dinner break. We're rolling over the five o'clock, but I'll still try to make it an hour dinner break."

The President declared the question before the Senate to be the motion by Senator Sellar that further consideration of Substitute House Bill No. 131 be deferred until 7:30 p.m.

The motion by Senator Sellar failed and the Senate continued consideration of Substitute House Bill No. 131.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate adopt the Report of the Conference Committee on Substitute House Bill No. 131 and to grant the committee the powers of Free Conference.

The motion by Senator Thompson carried and the Report of the Conference Committee on Substitute House Bill No. 131 was adopted and the committee was granted the powers of Free Conference.

#### MOTION

At 5:05 p.m., on motion of Senator Vognild, the Senate recessed until 6:00 p.m.

#### EVENING SESSION

The Senate was called to order at 6:10 p.m. by President Pro Tempore Goltz.

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

##### MOTION

On motion of Senator Gaspard, the appointment of The Very Reverend William J. Sullivan, S.J. as a member of the Higher Education Facilities Authority was confirmed.

#### APPOINTMENT OF THE VERY REVEREND WILLIAM J. SULLIVAN, S.J.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 10; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bauer, Craswell, Guess, Lee, Moore, Owen, Rasmussen, Sellar, Thompson, von Reichbauer - 10.

Excused: Senators Kiskaddon, McCaslin - 2.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 242 and has granted said committee the powers of Free Conference.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 242, modifying provisions concerning the rights of crime victims, their survivors and witnesses of crime, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 242, read in earlier today)

Signed by Senators Talmadge, Newhouse and Halsan; Representatives Locke, Niemi and Tilly and Brough.

## MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute House Bill No. 242 was adopted.

## MOTIONS

On motion of Senator Saling, Senator Craswell was excused.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 242, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 242, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Pullen - 1.

Absent: Senators Owen, Thompson - 2.

Excused: Senators Craswell, Kiskaddon, McCaslin, von Reichbauer - 4.

SUBSTITUTE HOUSE BILL NO. 242, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 461 and has granted said committee the powers of Free Conference.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 24, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 461, modifying provisions on loans and grants to political subdivisions for public facilities, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 461, read in earlier today)

Signed by Senators Bottiger and Vognild; Representatives McMullen and J. King.

## MOTION

Senator Bottiger moved that the Report of the Free Conference Committee on Substitute House Bill No. 461 be adopted.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger that the Report of the Free Conference Committee on Substitute House Bill No. 461 be adopted.

The motion by Senator Bottiger carried and the Report of the Free Conference Committee on Substitute House Bill No. 461 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 461, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 461, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Rinehart, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 32.

Voting nay: Senators Benitz, Cantu, Deccio, Hayner, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Warnke, Zimmerman - 12.

Absent: Senators Owen, Thompson - 2.

Excused: Senators Craswell, Kiskaddon, McCaslin - 3.

SUBSTITUTE HOUSE BILL NO. 461, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 6:29 p.m., on motion of Senator Vognild, the Senate recessed until 7:00 p.m.

## SECOND EVENING SESSION

The Senate was called to order at 7:54 p.m. by President Pro Tempore Goltz.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103 as recommended by the Conference Committee, and the Report of the Conference Committee together with the resolution are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, establishing procedures for the adoption of county home rule charters, have had the same under consideration and we recommend that the resolution be passed as amended by the House.

Signed by Senators Thompson and Granlund; Representatives Haugen, Baugher and Brough.

## MOTION

On motion of Senator Thompson, the Senate refuses to adopt the Report of the Conference Committee on Engrossed Substitute Senate Joint Resolution No. 103 and the report was returned to the Conference Committee.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3516 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3516, providing for instruction in Spanish and Japanese in grades one through six, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3516, read in on April 26, 1985)

Signed by Senators Gaspard, Craswell and Bauer; Representatives Valle, Peery and L. Smith.

#### MOTION

On motion of Senator Bauer, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3516 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3516, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3516, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Cantu, Deccio, Hayner, Metcalf, Pullen, Saling, Sellar, Stratton - 9.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3516, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Second Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3384 and has granted, again, the powers of Free Conference.

DENNIS L. HECK, Chief Clerk

#### SECOND REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3384, establishing a salmon and steelhead rehabilitation and enhancement policy board, have had the same under consideration and we report that we are unable to agree and respectfully request to powers of Free Conference for the purpose of amending the bill as follows:

Signed by Senators Owen and Stratton; Representatives Lundquist, Sayan and Sutherland.

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource

and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

**NEW SECTION, Sec. 2.** (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
  - (b) Potential for creation of new resources;
  - (c) Successful existing programs, both within and outside the state;
  - (d) Balanced utilization of natural and hatchery production;
  - (e) Desires of the fishing interest;
  - (f) Need for additional data or research;
  - (g) Federal court orders; and
  - (h) Salmon advisory council recommendations.
- (2) The director shall review and update each policy statement at least once each year.

**NEW SECTION, Sec. 3.** (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

- (2) The following criteria shall be used by the director in formulating the project proposals:
- (a) Compatibility with the long-term policy statement;
  - (b) Benefit/cost analysis;
  - (c) Needs of all fishing interests;
  - (d) Compatibility with regional plans, including harvest management plans;
  - (e) Likely increase in resource productivity;
  - (f) Direct applicability of any research;
  - (g) Salmon advisory council recommendations;
  - (h) Compatibility with federal court orders;
  - (i) Coordination with the salmon and steelhead advisory commission program;
  - (j) Economic impact to the state;
  - (k) Technical feasibility; and
  - (l) Preservation of native salmon runs.

(3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.

(4) The director shall prioritize various projects and establish a recommended implementation time schedule.

**NEW SECTION, Sec. 4.** Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

**NEW SECTION, Sec. 5.** The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

**NEW SECTION, Sec. 6.** As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 75.16.070, chapter 12, Laws of 1955 as amended by section 13, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.065 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure food fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of food fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists food fish or shellfish with which to stock state waters.

Sec. 8. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

(i) The department's management authority over propagated salmon;

(ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

(iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; ~~((and))~~

(iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; and

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.-- RCW (sections 1 through 6 of this 1985 act).

(c) All facilities funded in full or in part by the salmon enhancement account shall operate at full production capacity. Facilities which drop below full production capacity shall be made available for volunteer cooperative projects under chapter 75.52 RCW or on a contract basis for private salmon propagation solely to stock state waters. The salmon advisory council shall submit to the legislature by January 1, 1986, an evaluation of each facility funded by the 1977 salmon enhancement account, and a determination as to the full production capacity of each facility based on the objective of maximizing the number, pounds, quality, survival, and other pertinent factors affecting salmon smolt released.

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council consists of ~~((thirteen))~~ six members appointed by the governor; four legislative ex officio non-voting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chairman~~((; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries)).~~ Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon ~~((propagation facility))~~ enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

~~((Except for the director of the department of game and legislative members;))~~ Members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

~~(The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120;)~~

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

NEW SECTION. Sec. 9. A new section is added to chapter 75.08 RCW to read as follows:

A person who obtains a personal use license or punchcard, or is exempt from license requirements under this title, has given implied consent to an inspection of fishing equipment and containers capable of concealing fish. Such inspection is limited to that which is necessary to enforce this title and rules of the director and is limited in scope to those individuals engaged in angling or the taking of food fish or shellfish or are reasonably believed to have been recently engaged in such activity. Failure to comply with a request by a fisheries patrol officer shall result in a suspension of the privilege to fish for one calendar year.

Sec. 10. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The commission may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, removing obstructions to migratory fish, and eradicating undesirable fish. Department hatcheries shall operate at full production capacity as determined by the commission in a formal policy statement based on maximizing the number, pounds, quality, survival, and other pertinent factors affecting fish released into state waters. Facilities which fall below full production capacity after January 1, 1986, shall be made available for volunteer cooperative projects under chapter 75.52 RCW, or for private fish propagation solely to stock state waters. The commission may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

NEW SECTION. Sec. 11. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

NEW SECTION. Sec. 12. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act 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 "enhancement;" strike the remainder of the title and insert "amending RCW 75.08.065, 75.48.120, and 77.12.420; adding a new section to chapter 75.08 RCW; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; and declaring an emergency."

#### MOTION

On motion of Senator Owen, the Senate refuses to adopt the Second Report of the Conference Committee on Substitute Senate Bill No. 3384 and the second report was returned to the Conference Committee.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3184 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3184, providing state-owned housing for certain state employees, have had the same under consideration and we recommend the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 3184 read in on April 26, 1985)

Signed by Senators Thompson, Zimmerman and Rinehart; Representatives Belcher, Peery and Hankins.

#### MOTION

On motion of Senator Thompson, the Report of the Free Conference Committee on Substitute Senate Bill No. 3184 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3184, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3184, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Taimadge, Thompson, Vognild, von Reichbauer, Wanke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Saling - 7.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 3184, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3235 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3235, providing programs for educational excellence, have had the same under consideration and we recommend the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3235 read in on April 26, 1985)

Signed by Senators Gaspard and Bender; Representatives Ebersole, Appelwick and Betrozoff.

#### MOTION

On motion of Senator Gaspard, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3235 was adopted.

#### POINT OF INQUIRY

Senator Bender: "Senator Gaspard, when this bill was before us last time, the language in Section 7 stated that 'additional days were those days beyond a hundred and eighty for instructional staff.' Does the new language mean that if a contract specifies a hundred and eighty-two day work year, the days worked beyond a hundred and eighty-two days could be paid on a supplemental contract?"

Senator Gaspard: "Senator Bender, the answer to that question is 'yes.' Whenever the length of the work year, the days following that work year could be paid in a supplemental contract. This would, naturally, be subject to a local bargaining--dependent upon what local funds would be available."

Senator Bender: "Thank you. My next question is, what if in the next contract the working year is reduced to a hundred and eighty days? Does this language then mean that the days following the hundred and eighty could be paid on a supplemental contract?"

Senator Gaspard: "Again, if the work year changes then the base for determining the additional days also changes. It's something that is bargained each year locally. If the work year is bargained to be a hundred and eighty days, for example, then the additional days paid on a supplemental contract could be that hundred and eighty-first or a hundred and eighty-second and so on."

Senator Bender: "Thank you. My third question--let me give you another example. What about counselors or librarians who work extended contracts? If the normal year is a hundred and eighty-one days, could the additional days for the extended contract be on a supplemental contract as per Section 7 of this bill?"

Senator Gaspard: "Senator Bender, in the case of counselors and librarians, the additional days in an extended contract beyond the normal work year for certificated staff can be bargained on a supplemental contract and paid out of local monies. Again, let me emphasize that this is a subject of the collective bargaining process determining what length of year that they would have for librarians and counselors."

Senator Bender: "Thank you. My last question is, does this apply in Section 7 if those people who are doing basically the same work that they do during the normal year?"

Senator Gaspard: "Yes, the language in Section 7, which deals with the additional days beyond the work year does not specify what must take place during those days and that can also be a matter for local bargaining."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3235, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3235, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, McDonald, Newhouse, Sellar - 10.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3235, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Second Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3066 and has, again, granted said committee the powers of Free Conference and said report together with the bill are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### SECOND REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, modifying provisions relating to gambling, have had the same under consideration and we report that we are unable to agree and

respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

On page 3 of the House amendment, beginning on line 1, strike "~~((which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and))~~" and insert "which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and"

On page 6 of the House amendment, beginning on line 31, after "premises," strike every-thing down through and including "However, the" on page 7, line 3 and insert "The"

Signed by Senators Warnke and Moore; Representatives Wang, R. King and Patrick.

#### MOTION

On motion of Senator Warnke, the Second Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3066 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SEN-ATE BILL NO. 4142 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 4142, revising laws regulating the organization of school districts, have had the same under consideration and we recommend the bill be amended as recom-mended by the Conference Committee.

(See Report of Conference Committee on Senate Bill No. 4142 read in on April 26, 1985)

Signed by Senators Gaspard and Bender; Representatives Ebersole, Wang and Holland.

#### MOTION

Senator Gaspard moved the Senate adopt the Report of the Free Conference Committee on Senate Bill No. 4142.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, how much money are we talking about to fund the school of Lester?"

Senator Gaspard: "Senator Deccio, my recollection is about two hundred and fifty thousand dollars, roughly. That's a good approximate."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to adopt the Report of the Free Conference Committee on Senate Bill No. 4142.

The motion by Senator Gaspard carried on a rising vote and the Report of the Free Conference Committee on Senate Bill No. 4142 was adopted.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, as I read this bill several days ago, this would allow, not just the Lester district--would allow creating of regional school districts?"

Senator Gaspard: "Senator Rasmussen, as I read the bill, it doesn't say anything about regional school districts."

Senator Rasmussen: "Well, I thought it did and I could have been reading two other bills, but I remember the time that Dan Evans was going to create regional

counties and he changed his mind after the thirty-nine counties got in force. What I was wondering, some place in there I read that and you've never seen that in the bill? Well, I probably read two other bills, but I did see it in the one I read."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4142, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4142, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Lee, McDonald, Metcalf, Patterson, Peterson, Pullen, Rasmussen, Sellar, von Reichbauer, Warnke, Zimmerman - 22.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 4142, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House adheres to its position regarding the Senate amendments to ENGROSSED HOUSE BILL NO. 116 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Thompson, the Senate refuses to recede from its amendments to Engrossed House Bill No. 116 and once again asks the House to concur therein.

#### MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

#### MOTIONS

On motion of Senator McDermott, the rules were suspended and the Committee on Ways and Means was relieved of further consideration of Engrossed Substitute Senate Bill No. 3656.

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute Senate Bill No. 3656 was advanced to second reading and placed on the second reading calendar.

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

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3656, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Relating to the budget.

The bill was read the second time.

## MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987, except as otherwise provided, out of the several funds of the state hereinafter named.

Appropriations for "FY 1986" and "FY 1987" are for the fiscal years ending June 30, 1986, and June 30, 1987, respectively. Fifty percent of moneys designated for fiscal year 1986 and remaining unexpended and not lawfully obligated at the end of the fiscal year shall revert to the original fund source.

By December 20, 1985, the governor shall submit to the legislature a budget document for fiscal year 1987 in the manner described in RCW 43.88.030.

NEW SECTION, Sec. 2. No funds appropriated by this act or otherwise available to any executive branch agency shall be expended for any costs incident to the production or the publication of any magazine or brochure unless expressly authorized by the director of the office of financial management. By December 20, 1985, the director shall submit to the legislature a report covering all such publications, including at least the total costs for the production, publication and distribution, including staff resources, of each such publication. The director will also include whatever recommendations that may be deemed appropriate for each publication.

## PART I

## GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 14,015,000	15,334,000
Total Appropriation . . . . .	\$29,349,000	

NEW SECTION, Sec. 102. FOR THE SENATE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 11,092,000	13,561,000
Total Appropriation . . . . .	\$24,653,000	

NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 723,000	723,000
Total Appropriation . . . . .	\$1,446,000	

NEW SECTION, Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 805,000	805,000
Total Appropriation . . . . .	\$1,610,000	

NEW SECTION, Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 268,000	238,000
Total Appropriation . . . . .	\$506,000	

NEW SECTION, Sec. 106. FOR THE STATUTE LAW COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 3,265,000	3,264,000
Total Appropriation . . . . .	\$6,529,000	

NEW SECTION, Sec. 107. FOR THE SUPREME COURT

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 4,436,000	4,436,000
Total Appropriation . . . . .	\$8,872,000	

The appropriation in this section is subject to the following conditions and limitations: \$1,314,000 of the fiscal year 1986 appropriation and \$1,314,000 of the fiscal year 1987 appropriation are provided solely for the indigent appeals program.

NEW SECTION, Sec. 108. FOR THE LAW LIBRARY

FY 1986	FY 1987
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General Fund Appropriation .....	\$	1,163,000	1,163,000
Total Appropriation .....		\$2,326,000	
<u>NEW SECTION, Sec. 109. FOR THE COURT OF APPEALS</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	5,182,000	5,182,000
Total Appropriation .....		\$10,364,000	
<u>NEW SECTION, Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	9,452,000	9,401,000
General Fund—Public Safety and Education			
Account Appropriation .....	\$	7,219,000	6,619,000
Total Appropriation .....		\$32,691,000	
The appropriations in this section are subject to the following conditions and limitations:			
(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.			
(2) \$50,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in accordance with Substitute Senate Bill No. 3165. If SSB 3165 is not enacted by July 1, 1985, this appropriation shall lapse.			
(3) \$1,700,000 of the fiscal year 1986 and \$1,700,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties.			
(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.			
(5) \$100,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.			
<u>NEW SECTION, Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	254,000	254,000
Total Appropriation .....		\$508,000	
<u>NEW SECTION, Sec. 112. FOR THE OFFICE OF THE GOVERNOR</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	2,432,000	2,293,000
Total Appropriation .....		\$4,725,000	
The appropriation in this section is subject to the following conditions and limitations:			
(1) \$355,000 shall be used solely for extradition expenses to carry out the provisions of 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.			
(2) \$79,000 of the fiscal year 1986 appropriation and \$79,000 of the fiscal year 1987 appropriation shall be used solely for mansion maintenance.			
<u>NEW SECTION, Sec. 113. FOR THE LIEUTENANT GOVERNOR</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	142,000	135,000
Total Appropriation .....		\$277,000	
<u>NEW SECTION, Sec. 114. FOR THE SECRETARY OF STATE</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	3,242,000	2,444,000
General Fund—Archives and Records Management			
Account Appropriation—State .....	\$	878,000	829,000
General Fund—Archives and Records Management			
Account Appropriation—Federal .....	\$	47,000	
Total Appropriation .....		\$7,440,000	
The appropriations in this section are subject to the following conditions and limitations:			
(1) \$1,040,000 of the fiscal year 1986 general fund—state appropriation shall be used solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.			
(2) \$641,000 for fiscal year 1986 and \$883,000 for fiscal year 1987 of the general fund—state appropriation shall be used 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.			
<u>NEW SECTION, Sec. 115. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	102,000	102,000
Total Appropriation .....		\$204,000	
<u>NEW SECTION, Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS</u>			
		FY 1986	FY 1987

General Fund Appropriation .....	\$	130,000	130,000
Total Appropriation .....		\$260,000	
<u>NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	108,000	108,000
Total Appropriation .....		\$216,000	

NEW SECTION, Sec. 118. FOR THE STATE TREASURER

		FY 1986	FY 1987
Motor Vehicle Fund Appropriation .....	\$	22,000	22,000
State Treasurer's Service Fund Appropriation .....	\$	3,824,000	3,824,000
Total Appropriation .....		\$7,692,000	

NEW SECTION, Sec. 119. FOR THE STATE AUDITOR

		FY 1986	FY 1987
General Fund Appropriation .....	\$	397,000	397,000
Motor Vehicle Fund Appropriation .....	\$	184,000	184,000
Municipal Revolving Fund Appropriation .....	\$	6,799,000	6,799,000
Auditing Services Revolving Fund Appropriation .....	\$	3,905,000	3,905,000
Total Appropriation .....		\$22,570,000	

The appropriations in this section are subject to the following conditions and limitations: The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

		FY 1986	FY 1987
General Fund Appropriation .....	\$	2,350,000	2,350,000
Legal Services Revolving Fund Appropriation .....	\$	14,694,000	14,694,000
Total Appropriation .....		\$34,088,000	

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

(1) A maximum of \$170,000 for fiscal year 1986 and \$170,000 for fiscal year 1987 is provided solely for the criminal litigation unit.

(2) The attorney general's office shall produce a comprehensive consumer catalog that provides in-depth information in a form accessible to schools, other organizations, and interested citizens by August 1, 1985.

NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

		FY 1986	FY 1987
General Fund Appropriation .....	\$	7,028,000	6,772,000
Medical Aid Fund Appropriation .....	\$	50,000	50,000
Criminal Justice Assistance Account Appropriation .....	\$	2,395,000	2,537,000
Total Appropriation .....		\$18,832,000	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(2) \$195,000 of the fiscal year 1986 and \$69,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter --- (SHB 1077 or SSB 4242), Laws of 1985. If neither bill is enacted by July 1, 1985, this appropriation shall lapse.

(3) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter --- (SB 3596), Laws of 1985. If SB 3596 is not enacted by July 1, 1985, this appropriation shall lapse.

(4) The appropriation from the criminal justice assistance account is provided solely to assist local jurisdictions with prosecution and adjudication of serious traffic offenses and crimes of domestic violence under Second Substitute Senate Bill No. 3764. If the bill, creating the criminal justice assistance account, is not enacted before July 1, 1985, this appropriation shall lapse.

NEW SECTION, Sec. 122. FOR THE STATE INVESTMENT BOARD

		FY 1986	FY 1987
General Fund—State Investment Board Expense			
Account Appropriation .....	\$	771,000	771,000
Total Appropriation .....		\$1,542,000	

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF PERSONNEL

		FY 1986	FY 1987
Department of Personnel Service Fund Appropriation ..	\$	5,807,000	5,850,000
State Employees' Insurance Fund Appropriation .....	\$	885,000	933,000
Total Appropriation .....		\$13,475,000	

NEW SECTION, Sec. 124. FOR THE PERSONNEL APPEALS BOARD

		FY 1986	FY 1987
Department of Personnel Service Fund Appropriation ..	\$	358,000	361,000
Total Appropriation .....		\$719,000	

NEW SECTION, Sec. 125. FOR THE DATA PROCESSING AUTHORITY

	FY 1986	FY 1987
General Fund Appropriation—Private/Local . . . . .	\$ 65,000	65,000
Data Processing Revolving Fund Appropriation . . . . .	\$ 522,000	521,000
Total Appropriation . . . . .	\$1,173,000	

NEW SECTION, Sec. 126. FOR THE WASHINGTON STATE LOTTERY

	FY 1986	FY 1987
Lottery Administrative Account Appropriation . . . . .	\$ 7,231,000	7,501,000
Total Appropriation . . . . .	\$14,732,000	

The appropriation in this section is subject to the following conditions and limitations: If SB 3684 is not enacted by July 1, 1985, the appropriation shall lapse.

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 30,718,000	29,481,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . . .	\$ 54,000	54,000
General Fund—Timber Tax Distribution Account Appropriation . . . . .	\$ 1,474,000	1,474,000
Total Appropriation . . . . .	\$63,255,000	

NEW SECTION, Sec. 128. FOR THE BOARD OF TAX APPEALS

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 543,000	543,000
Total Appropriation . . . . .	\$1,086,000	

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	FY 1986	FY 1987
General Fund Appropriation—State . . . . .	\$ 3,869,000	3,913,000
General Fund Appropriation—Private/Local . . . . .	\$ 30,000	30,000
General Fund—Motor Transport Account Appropriation . . . . .	\$ 3,452,000	3,207,000
General Administration Facilities and Services Revolving Fund Appropriation . . . . .	\$ 9,922,000	9,073,000
Total Appropriation . . . . .	\$33,496,000	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) \$131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal department of agriculture. If federal funding for this purpose is continued after September 30, 1985, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement Senate Bill No. 3569. If SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse.

NEW SECTION, Sec. 130. FOR THE INSURANCE COMMISSIONER

	FY 1986	FY 1987
Insurance Commissioner's Regulatory Account Appropriation . . . . .	\$ 4,453,000	4,453,000
Total Appropriation . . . . .	\$8,906,000	

The appropriations in this section are subject to the following conditions and limitations: If Senate Bill No. 3657 is not enacted by July 1, 1985, the appropriation in this section shall be made from the general fund.

NEW SECTION, Sec. 131. FOR THE PUBLIC DISCLOSURE COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 488,000	488,000
Total Appropriation . . . . .	\$976,000	

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

	FY 1986	FY 1987
Department of Retirement Systems Expense Fund Appropriation . . . . .	\$ 7,244,000	8,110,000
Total Appropriation . . . . .	\$15,354,000	

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

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) Not more than \$125,000 of the appropriation shall be used in each fiscal year to establish a preretirement counseling program for members of the retirement systems administered by the department.

(3) Not more than \$110,000 of the appropriation shall be used in fiscal year 1986 and not more than \$125,000 shall be used in fiscal year 1987 to establish a communication and information program for active and retired members of the retirement systems administered by the department.

(4) Not more than \$125,000 of the appropriation shall be used in fiscal year 1986 and not more than \$145,000 shall be used in fiscal year 1987 to verify or obtain verification of service credit of the members of the public employees' retirement system.

(5) The employer contributions for the retirement system governed by chapter 41.32 RCW shall be set for the 1985-1987 biennium by the director as follows:

(a) For the period July and August 1985, the system shall receive the amount appropriated in section 519 of this act for this purpose.

(b) For the period September 1985 through August 1986, the superintendent of public instruction shall transfer to the department all moneys allocated to the superintendent for the certificated employees of the school and educational service districts for retirement purposes by this act for this period.

(c) For the period September 1985 through August 1986, all employers of members of the teachers' retirement system, other than those covered in subsection (5)(b) of this section, shall pay an employer rate set consistent with the appropriations made to the employers covered by subsection (5)(b) of this section and which shall include the administrative expense for this period.

(d) For the period September 1986 through June 1987, all employers shall pay a rate set consistent with this act and which shall include the administrative expense for this period.

(6) The employer rate for all employers for the retirement system governed by chapter 41.40 RCW shall be set for the 1985-1987 biennium by the director consistent with the appropriations made in this act for state agencies and shall include the administrative expense for the biennium.

NEW SECTION. Sec. 133. FOR THE MUNICIPAL RESEARCH COUNCIL

		FY 1986	FY 1987
General Fund Appropriation	\$	866,000	866,000
Total Appropriation		\$1,732,000	

NEW SECTION. Sec. 134. FOR THE UNIFORM LEGISLATION COMMISSION

		FY 1986	FY 1987
General Fund Appropriation	\$	12,000	2,000
Total Appropriation		\$14,000	

The appropriation in this section is subject to the following conditions and limitations: \$10,000 shall be used solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

NEW SECTION. Sec. 135. FOR THE BOARD OF ACCOUNTANCY

		FY 1986	FY 1987
General Fund Appropriation	\$	171,000	171,000
General Fund—Certified Public Accountant Examination Account Appropriation	\$	270,000	270,000
Total Appropriation		\$882,000	

NEW SECTION. Sec. 136. FOR THE BOXING COMMISSION

		FY 1986	FY 1987
General Fund Appropriation	\$	43,000	43,000
Total Appropriation		\$86,000	

NEW SECTION. Sec. 137. FOR THE CEMETERY BOARD

		FY 1986	FY 1987
General Fund—Cemetery Account Appropriation	\$	59,000	59,000
Total Appropriation		\$118,000	

NEW SECTION. Sec. 138. FOR THE HORSE RACING COMMISSION

		FY 1986	FY 1987
Horse Racing Commission Fund Appropriation	\$	2,009,000	2,006,000
Total Appropriation		\$4,015,000	

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

(1) If there are more than three hundred ninety-three racing days during fiscal year 1986 or more than three hundred ninety-three racing days during fiscal year 1987, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) During the 1985-87 biennium, prior to forwarding the daily receipts to the state treasurer pursuant to RCW 67.16.175, the commission may withhold its authorized percentage from the receipts as set forth in RCW 67.16.100.

NEW SECTION. Sec. 139. FOR THE LIQUOR CONTROL BOARD

FY 1986	FY 1987
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Liquor Revolving Fund Appropriation	\$	43,372,000	43,390,000
Total Appropriation		\$86,762,000	

The appropriation in this section is subject to the following conditions and limitations: The Liquor Control Board shall not participate in any on-line or lotto games offered by the state lottery.

NEW SECTION, Sec. 140. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	FY 1986 583,000	FY 1987 583,000
General Fund—Health Professions Account Appropria-			
tion	\$	198,000	198,000
Total Appropriation		\$1,562,000	

NEW SECTION, Sec. 141. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—		FY 1986	FY 1987
State	\$	11,360,000	11,299,000
Public Service Revolving Fund Appropriation—			
Federal	\$	213,000	213,000
Grade Crossing Protective Fund Appropriation	\$	97,000	97,000
Total Appropriation		\$23,279,000	

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

(1) \$391,000 for fiscal year 1986 and \$391,000 for fiscal year 1987 from the public service revolving fund appropriation are provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

(2) \$139,000 for fiscal year 1986 and \$139,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding the joint select committee on telecommunications in accordance with House Concurrent Resolution No. 7. If HCR 7 is not enacted by July 1, 1985, this amount shall lapse.

(3) \$1,061,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding implementation of Substitute Senate Bill No. 3305. If SSB 3305 is not enacted before July 1, 1985, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 142. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropria-		FY 1986	FY 1987
tion	\$	107,000	105,000
Total Appropriation		\$212,000	

NEW SECTION, Sec. 143. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

General Fund Appropriation—State	\$	FY 1986 527,000	FY 1987 512,000
General Fund Appropriation—Federal	\$	2,721,000	2,723,000
Total Appropriation		\$6,483,000	

NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	FY 1986 3,558,000	FY 1987 3,587,000
General Fund Appropriation—Federal	\$	1,043,000	1,049,000
Total Appropriation		\$9,237,000	

NEW SECTION, Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation—State	\$	FY 1986 793,000	FY 1987 963,000
Total Appropriation		\$1,756,000	

The appropriations in this section are subject to the following conditions and limitations: If Engrossed Substitute House Bill No. 32 is not enacted by July 1, 1985, \$170,000 of the fiscal year 1987 appropriation shall lapse.

NEW SECTION, Sec. 146. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropria-		FY 1986	FY 1987
tion	\$	4,185,000	4,185,000
Total Appropriation		\$8,370,000	

NEW SECTION, Sec. 147. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	FY 1986 801,000	FY 1987 711,000
Total Appropriation		\$1,512,000	

PART II  
HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 27,799,000	27,816,000
Total Appropriation . . . . .	\$55,615,000	

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

(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) \$11,351,000 is provided for fiscal year 1986 and \$11,351,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 127,721,000	119,358,000
Total Appropriation . . . . .	\$247,079,000	

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

(a) \$14,611,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$6,500,000 is provided for fiscal year 1986 and \$8,111,000 is provided for fiscal year 1987.

(b) \$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(d) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

(e) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 9,426,000	8,527,000
General Fund—Institutional		
Impact Account Appropriation . . . . .	\$ 150,000	150,000
Total Appropriation . . . . .	\$18,253,000	

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

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 2,039,000	1,766,000
Total Appropriation . . . . .	\$3,805,000	

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1985. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the fiscal year ending June 30, 1986. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds. The governor's budget document for fiscal year 1987 shall include a report on compliance with this subsection and shall estimate the balance, as of July 1, 1986, in reserve status under this subsection. Such state general fund moneys in reserve may be expended only as authorized in the supplemental appropriations act for the fiscal year ending June 30, 1987.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 64,335,000	63,290,000
General Fund Appropriation—Federal .....	\$ 24,343,000	26,095,000
Total Appropriation .....	\$178,063,000	

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

- (1) Vendor rate adjustments shall average 3% on January 1, 1986.
- (2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.
- (3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.
- (4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.
- (5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.
- (6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) \$455,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) \$11,056,000 for fiscal year 1986, of which \$7,791,000 is from the general fund—state appropriation, and \$11,185,000 for fiscal year 1987, of which \$6,196,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

**NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 13,940,000	13,912,000
General Fund Appropriation—Federal .....	39,000	39,000
<b>Total Appropriation .....</b>	<b>\$27,930,000</b>	

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

(a) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(b) \$397,000 for fiscal year 1986 and \$397,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to increase vendor rates to private group care providers.

(c) The department shall develop a specific plan for performance-based contracts whereby a portion of vendor payments for private group care and other community residential placements is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(d) \$2,788,000 for fiscal year 1986 and \$2,630,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for Woodinville, Sunrise, Oakridge, Canyon View, Parke Creek, Twin Rivers, and Ridgeview state group homes. The total number of youths in residential status at these state group homes shall average at least 100 per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state appropriation in this section shall be reduced by \$2,067 per month for every unfilled bed below 100.

**(2) INSTITUTIONAL SERVICES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 21,814,000	21,179,000
General Fund Appropriation—Federal .....	445,000	445,000
<b>Total Appropriation .....</b>	<b>\$43,883,000</b>	

The appropriations in this subsection are subject to the following conditions and limitations: The department shall review and evaluate the number of beds necessary to ensure the prudent management of juvenile offenders in the juvenile rehabilitation system prior to closing any cottages at the Green Hill school. Such analysis shall be presented to the ways and means committees of the senate and house of representatives on June 1, 1986.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	..... \$	FY 1986	FY 1987
Total Appropriation		1,323,000	1,323,000
		\$2,646,000	

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	..... \$	FY 1986	FY 1987
General Fund Appropriation—Federal	..... \$	49,275,000	50,057,000
General Fund Appropriation—Local	..... \$	17,930,000	18,178,000
General Fund Appropriation—Local	..... \$	355,000	355,000
Total Appropriation		\$136,150,000	

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

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$391,000 for fiscal year 1986, of which \$344,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap resources consolidated residential treatment center's alternative project. Of the \$391,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after December 31, 1985. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap resources consolidated shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	..... \$	FY 1986	FY 1987
General Fund Appropriation—Federal	..... \$	66,188,000	66,904,000
General Fund Appropriation—Federal	..... \$	3,103,000	3,116,000
Total Appropriation		\$139,311,000	

(3) PROGRAM SUPPORT

General Fund Appropriation—State	..... \$	FY 1986	FY 1987
General Fund Appropriation—State	..... \$	1,439,000	1,438,000
General Fund Appropriation—Federal	..... \$	771,000	771,000
Total Appropriation		\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	..... \$	FY 1986	FY 1987
General Fund Appropriation—Federal	..... \$	111,000	111,000
Total Appropriation		\$222,000	

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

		FY 1986	FY 1987
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General Fund Appropriation—State .....	\$	30,435,000	30,969,000
General Fund Appropriation—Federal .....	\$	26,046,000	26,252,000
Total Appropriation .....		\$113,702,000	

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

(a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	53,405,000	52,812,000
General Fund Appropriation—Federal .....	\$	37,330,000	37,330,000
Total Appropriation .....		\$180,877,000	

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	1,652,000	1,652,000
General Fund Appropriation—Federal .....	\$	388,000	388,000
Total Appropriation .....		\$4,080,000	

(4) SPECIAL PROJECTS

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	54,000	54,000
General Fund Appropriation—Federal .....	\$	606,000	606,000
Total Appropriation .....		\$1,320,000	

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
LONG-TERM CARE SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	137,965,000	132,964,000
General Fund Appropriation—Federal .....	\$	120,741,000	126,895,000
Total Appropriation .....		\$518,565,000	

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and \$188,104,000 for fiscal year 1987, of which \$94,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.

(b) Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985.

(c) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(d) \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) \$545,000 for fiscal year 1986 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, 1986.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 213,137,000	224,186,000
General Fund Appropriation—Federal .....	\$ 171,118,000	178,924,000
Total Appropriation .....	\$787,365,000	

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than June 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 17,344,000	17,636,000
General Fund Appropriation—Federal .....	\$ 7,034,000	7,059,000
General Fund Appropriation—Local .....	\$ 82,000	83,000
Total Appropriation .....	\$49,238,000	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$441,000 for fiscal year 1986 and \$441,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase recovery house vendor rates, effective July 1, 1985.

(3) \$286,000 for fiscal year 1986, of which \$268,000 is from the general fund—state appropriation, and \$286,000 for fiscal year 1987, of which \$268,000 is from the general fund—

state appropriation, are provided solely to increase vendor rates for detoxification, effective July 1, 1985.

(4) The department shall ensure that grants to counties for alcohol and drug services are distributed to providers of such services on an equitable basis. Consideration shall be given to the percentage of indigent clients served by each provider and the resources available to such provider from other than public funds.

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 214,708,000	223,549,000
General Fund Appropriation—Federal .....	\$ 149,853,000	154,247,000
Total Appropriation .....	\$742,357,000	

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

(1) Vendor rate adjustments for the Indian health and family planning programs shall average 3% on January 1, 1986.

(2) \$610,000 for fiscal year 1986, of which \$185,000 is from the general fund—state appropriation, and \$610,000 for fiscal year 1987, of which \$185,000 is from the general fund—state appropriation, are provided solely for early and periodic screening, diagnosis and treatment services and family planning services under the limited casualty program for the medically needy.

(3) \$524,000 for fiscal year 1986, of which \$270,000 is from the general fund—state appropriation, and \$524,000 for fiscal year 1987, of which \$270,000 is from the general fund—state appropriation, are provided solely to increase fee maximums for maternity care services by up to ten percent.

(4) The legislature finds that rising hospital costs continue to be a matter of serious concern to the public and to the state government. The department shall continue to pay for inpatient hospital services principally on the basis of diagnosis-related groups. The department shall continue in force rateable reductions not less than those imposed in 1984 on hospital payments under the medical care services program and the limited casualty program for the medically indigent.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 22,257,000	22,100,000
General Fund Appropriation—Federal .....	\$ 33,260,000	33,375,000
General Fund Appropriation—Local .....	\$ 4,134,000	4,099,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)— Appropriation .....	\$ 22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation .....	\$ 28,908,000	
Total Appropriation .....	\$193,021,000	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private non-profit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

(4) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

(5) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

(6) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

(7) \$703,000 for fiscal year 1986 and \$657,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3. If Engrossed Substitute Senate Bill No. 3799 is enacted before July 1, 1985, \$602,000 for fiscal year 1986 and \$557,000 for fiscal year 1987 of the general fund—state appropriation shall lapse. If Engrossed Substitute Senate Bill No. 3799 is not enacted before July 1, 1985, \$703,000 for fiscal year 1986 and \$657,000 for fiscal year 1987 of the general fund—local appropriation shall lapse, and up to \$260,000 for fiscal year 1986 and up to \$215,000 for fiscal year 1987 of the general fund—state appropriation, not to exceed revenues received under Engrossed House Bill NO. 723, shall be provided solely for radiation control activities under Engrossed Second Substitute House Bill No. 3. If Engrossed House Bill No. 723 is not enacted before July 1, 1985, or if business and occupation taxes authorized under the bill are not collected from the federal government, \$260,000 for fiscal year 1986 and \$215,000 for fiscal year 1987 of the general fund—state appropriation shall lapse. Not more than \$475,000 from any source may be expended for the implementation of Engrossed Second Substitute House Bill No. 3.

**NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 6,347,000	6,235,000
General Fund Appropriation—Federal .....	\$ 14,684,000	14,686,000
Total Appropriation .....	\$41,952,000	

The appropriations in this section are subject to the following conditions and limitations: Vendor rate adjustments shall average 3% on January 1, 1986.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 31,922,000	31,049,000
General Fund Appropriation—Federal .....	\$ 19,555,000	19,477,000
General Fund—Institutional Impact Account Approp- riation .....	\$ 37,000	37,000
Total Appropriation .....	\$102,077,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 61,840,000	62,614,000
General Fund Appropriation—Federal .....	\$ 72,747,000	72,979,000
General Fund Appropriation—Local .....	\$ 366,000	366,000
Total Appropriation .....	\$270,912,000	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1985, the department shall report to the ways and means and social and health services committees of the senate

and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal. In administering the program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(3) The department shall develop a program to supplement the community work and training program for recipients of food stamps established under RCW 74.04.477. The supplemental program shall provide that the program be extended to an additional four counties, two east and two west of the Cascade mountains, and shall serve a minimum of three hundred recipients each year. The supplemental program shall be run under the same terms and conditions as set forth in RCW 74.04.477 and the regulations thereunder.

(4) The department shall develop a program to supplement the community work and training program for recipients of aid to families with dependent children established under RCW 74.04.473. The supplemental program shall provide for community work and training services to a minimum of four hundred recipients this biennium, under the same terms and conditions as set forth in RCW 74.04.473 and the regulations thereunder.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 7,815,000	8,043,000
General Fund Appropriation—Federal .....	\$ 15,556,000	16,093,000
Total Appropriation .....	\$47,507,000	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of this appropriation shall lapse.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 105,000,000	
General Fund Appropriation—Federal .....	\$ 56,000,000	
General Fund Appropriation—Local .....	\$ 1,000,000	
Total Appropriation .....	\$ 162,000,000	

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations are for services and supplies not in excess of the unexpended balances of the 1983-1985 appropriations for such purposes.

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 6,350,000	6,114,000
General Fund Appropriation—Federal .....	\$ 70,233,000	70,406,000
Total Appropriation .....	\$153,103,000	

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall lapse.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. If federal funds are available for the purposes of SHB 1114, the amount provided in this subsection shall be reduced by the amount of federal funds available.

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

		FY 1986	FY 1987
General Fund Appropriation—State	\$	8,466,000	8,281,000
General Fund Appropriation—Federal	\$	1,669,000	1,669,000
General Fund Appropriation—Local	\$	2,402,000	2,402,000
Total Appropriation		\$24,889,000	

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

(1) \$202,000 for fiscal year 1986 and \$202,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

(2) The department shall contract with the University of Washington's health policy analysis program to assess the potential for medicare certification and reimbursement in the state's veterans' homes. \$10,000 for fiscal year 1986 and \$10,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for the purposes described in this subsection.

NEW SECTION, Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,477,000	1,477,000
General Fund Appropriation—Federal	\$	556,000	556,000
Total Appropriation		\$4,066,000	

NEW SECTION, Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL

		FY 1986	FY 1987
General Fund—Death Investigations Account			
Appropriation	\$	3,000	2,000
Total Appropriation		\$5,000	

NEW SECTION, Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

	FY 1986	FY 1987
General Fund—Public Safety and Education		
Account Appropriation	\$ 67,000	67,000
Accident Fund Appropriation	\$ 1,893,000	1,848,000
Medical Aid Fund Appropriation	\$ 1,893,000	1,848,000
Total Appropriation	\$7,616,000	

The appropriations in this section are subject to the following conditions and limitations: \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

NEW SECTION, Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

	FY 1986	FY 1987
General Fund—Death Investigations Account		
Appropriation	\$ 15,000	15,000
General Fund—Public Safety and Education		
Account Appropriation	\$ 3,506,000	3,506,000
Total Appropriation	\$7,042,000	

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 3,946,000	3,736,000
General Fund Appropriation—Local	\$ 78,000	72,000
General Fund—Public Safety and Education		
Account Appropriation	\$ 3,951,000	3,951,000
Accident Fund Appropriation	\$ 35,449,000	34,765,000
Electrical License Fund Appropriation	\$ 3,633,000	3,633,000
Medical Aid Fund Appropriation	\$ 34,426,000	33,599,000
Plumbing Certificate Fund Appropriation	\$ 218,000	218,000
Pressure Systems Safety Fund Appropriation	\$ 524,000	524,000
Worker and Community Right to Know Fund Appropriation	\$ 560,000	720,000
Total Appropriation	\$164,003,000	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The general fund—local appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under Substitute House Bill No. 199.

NEW SECTION, Sec. 224. FOR THE BOARD OF PRISON TERMS AND PAROLES

	FY 1986	FY 1987
General Fund Appropriation	\$ 1,458,000	1,294,000
Total Appropriation	\$2,752,000	

The appropriations in this section are subject to the following conditions and limitations: \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, this appropriation shall lapse.

NEW SECTION, Sec. 225. FOR THE HOSPITAL COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 950,000	883,000
General Fund—Hospital Commission Account		
Appropriation	\$ 631,000	698,000
Total Appropriation	\$3,162,000	

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

(1) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for attorney general support. The attorney general shall assign at least one assistant attorney general to work with the commission on a full-time basis, and shall provide additional support if necessary in connection with any litigation arising from chapter 288, Laws of 1984.

(2) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to conduct formal hearings as the commission deems necessary.

(3) \$48,000 for fiscal year 1986 and \$48,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for audits of patient discharge data.

NEW SECTION, Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 2,526,000	2,526,000
General Fund Appropriation—Federal .....	\$ 75,144,000	75,144,000
General Fund Appropriation—Local .....	\$ 3,866,000	3,866,000
Administrative Contingency Fund		
Appropriation—Federal .....	\$ 3,204,000	3,204,000
Unemployment Compensation Administration Fund		
Appropriation .....	\$ 52,696,000	52,696,000
Total Appropriation .....	\$274,872,000	

The appropriations in this section are subject to the following conditions and limitations: In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 1,111,000	1,109,000
General Fund Appropriation—Federal .....	\$ 1,918,000	1,912,000
Total Appropriation .....	\$6,050,000	

The appropriations in this section are subject to the following conditions and limitations: The department of services for the blind shall report to the legislature, no later than January 1, 1986, on its efforts to meet the needs of deaf-blind persons, particularly in the areas of improving access to existing services and coordination with other agencies. This report shall be written in conjunction with the divisions of vocational rehabilitation and developmental disabilities of the department of social and health services.

NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 346,000	346,000
General Fund Appropriation—Federal .....	\$ 36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropriation .....	\$ 21,232,000	11,904,000
Total Appropriation .....	\$33,900,000	

NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 269,000	223,000
Total Appropriation .....	\$492,000	

PART III  
NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 818,000	777,000
General Fund Appropriation—Federal .....	\$ 7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal .....	\$ 42,000	44,000
General Fund—Building Code Council Account Appropriation .....	\$ 375,000	375,000
Total Appropriation .....	\$16,409,000	

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. This appropriation is limited to the amount of revenues in the building code council account.

NEW SECTION, Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State . . . . .	\$ 52,000	52,000
General Fund Appropriation—Private/Local . . . . .	\$ 41,000	41,000
Total Appropriation . . . . .	\$186,000	

NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State . . . . .	\$ 20,831,000	20,716,000
General Fund Appropriation—Federal . . . . .	\$ 10,122,000	10,128,000
General Fund Appropriation—Private/Local . . . . .	\$ 64,000	64,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . . .	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation . . . . .	\$ 2,000,000	2,000,000
General Fund—Special Grass Seed Burning Account Appropriation . . . . .	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation . . . . .	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. . . . .	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.: Reappropriation . . . . .	\$ 3,000,000	3,570,000
Water Project Revolving Account Subtotal . . . . .	\$ 3,311,000	3,905,000
General Fund—Litter Control Account Appropriation . . . . .	\$ 2,356,000	2,394,000
General Fund—Water Quality Account Appropriation . . . . .	\$ 10,000,000	90,000,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) . . . . .	\$ 363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation . . . . .	\$ 20,000,000	26,278,000
Referendum 26 Subtotal . . . . .	\$ 20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) . . . . .	\$ 39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation . . . . .	\$ 100,000,000	97,400,000
Referendum 39 Subtotal . . . . .	\$ 139,346,000	136,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities . . . . .	\$ 3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation . . . . .	\$ 18,000,000	18,043,000
Water Supply Subtotal . . . . .	\$ 21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation . . . . .	\$ 100,000	100,000
Total Appropriation . . . . .	\$547,606,000	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management

of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3703, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.

(7) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(8) Not more than \$10,286,000 of the general fund—state appropriation for fiscal year 1986 and \$10,196,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. This includes funds necessary to implement Engrossed Substitute House Bill No. 975.

(9) Not more than \$4,154,000 of the general fund—state appropriation for fiscal year 1986 and \$4,151,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:

- (a) Public water supply reservation;
- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

(10) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$2,133,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

(11) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

**NEW SECTION, Sec. 304. FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 1,300,000	1,400,000
Total Appropriation . . . . .	\$2,700,000	

The appropriation in this section is contingent on the enactment of Engrossed Second Substitute Senate Bill No. 3828.

**NEW SECTION, Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 388,000	388,000
Total Appropriation . . . . .	\$776,000	

NEW SECTION. Sec. 306. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

	FY 1986	FY 1987
General Fund Appropriation—Private/Local . . . . . \$	1,370,000	1,370,000
Total Appropriation . . . . .	\$2,740,000	

NEW SECTION. Sec. 307. FOR THE STATE PARKS AND RECREATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State . . . . . \$	17,328,000	16,628,000
General Fund Appropriation—Federal . . . . . \$	330,000	330,000
General Fund Appropriation—Private/Local . . . . . \$	326,000	326,000
General Fund—Trust Land Purchase Account Appropriation . . . . . \$	4,243,000	3,620,000
General Fund—Winter Recreation Parking Account Appropriation . . . . . \$	155,000	155,000
General Fund—Snowmobile Account Appropriation . . . . . \$	437,000	437,000
General Fund—Outdoor Recreation Account Approp- riation . . . . . \$	86,000	74,000
Motor Vehicle Fund Appropriation . . . . . \$	500,000	500,000
Total Appropriation . . . . .	\$45,475,000	

NEW SECTION. Sec. 308. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

	FY 1986	FY 1987
General Fund Appropriation—State . . . . . \$	185,000	182,000
General Fund Appropriation—Federal . . . . . \$	307,000	307,000
Total Appropriation . . . . .	\$981,000	

NEW SECTION. Sec. 309. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

	FY 1986	FY 1987
General Fund—Outdoor Recreation Account Approp- riation—State . . . . . \$	6,994,000	7,839,000
General Fund—Outdoor Recreation Account Appropriation— Federal . . . . . \$	2,767,000	3,026,000
Total Appropriation . . . . .	\$20,626,000	

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

(1) A maximum of \$54,000 of the outdoor recreation account—state appropriation shall be used by the committee to update and expand the outdoor recreation guide required by RCW 43.99.142.

(2) A maximum of \$120,000 of the outdoor recreation account—state appropriation shall be used by the committee for grants to update the current off-road vehicle (ORV) plan as required by RCW 46.09.250.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	9,792,000	9,792,000
Motor Vehicle Fund Appropriation . . . . . \$	258,000	261,000
Total Appropriation . . . . .	\$20,103,000	

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

(1) Not more than \$2,880,000 of the general fund—state appropriation shall be expended in each fiscal year for enhancement of the economic development activities of the agency.

(2) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(3) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

	FY 1986	FY 1987
General Fund Appropriation—State . . . . . \$	21,641,000	21,641,000
General Fund Appropriation—Federal . . . . . \$	5,406,000	5,518,000
General Fund Appropriation—Private/Local . . . . . \$	1,425,000	1,424,000
General Fund—Aquatic Lands Enhancement Account Appropriation . . . . . \$	157,000	157,000
Total Appropriation . . . . .	\$57,369,000	

The appropriations in this section are subject to the following conditions and limitations: Not more than \$204,000 of the general fund—state appropriation shall be expended in each

fiscal year for the increased departmental and tribal coordination and planning of the salmon fishery management.

NEW SECTION, Sec. 312. FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle) Account		
Appropriation . . . . . \$	123,000	124,000
General Fund—Aquatic Lands Enhancement		
Account Appropriation . . . . . \$	158,000	158,000
General Fund—Public Safety and Education		
Account Appropriation . . . . . \$	233,000	245,000
Game Fund Appropriation—State . . . . . \$	20,054,000	19,585,000
Game Fund Appropriation—Federal . . . . . \$	5,664,000	5,803,000
Game Fund Appropriation—Private/Local . . . . . \$	647,000	646,000
Game Fund—Special Wildlife Account Appropriation . . . . . \$	148,000	148,000
Total Appropriation . . . . .	\$53,736,000	

NEW SECTION, Sec. 313. FOR THE STATE CONVENTION AND TRADE CENTER

	FY 1986	FY 1987
General Fund—State Convention and Trade Center		
Account Appropriation . . . . . \$	2,287,000	2,626,000
Total Appropriation . . . . .	\$4,913,000	

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

	FY 1986	FY 1987
General Fund Appropriation—State . . . . . \$	15,799,000	15,292,000
General Fund Appropriation—Federal . . . . . \$	129,000	129,000
General Fund—ORV (Off-Road Vehicle) Account		
Appropriation . . . . . \$	1,508,000	1,488,000
General Fund—Geothermal Account Appropriation—Federal . . . . . \$	8,000	8,000
General Fund—Forest Development Account Appropriation . . . . . \$	6,606,000	6,481,000
General Fund—Survey and Maps Account Appropriation . . . . . \$	362,000	369,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation . . . . . \$	708,000	724,000
General Fund—Resource Management Cost		
Account Appropriation . . . . . \$	24,595,000	24,655,000
Total Appropriation . . . . .	\$98,861,000	

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

(1) \$601,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and \$581,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

	FY 1986	FY 1987
General Fund Appropriation—State . . . . . \$	7,357,000	7,357,000
General Fund Appropriation—Federal . . . . . \$	387,000	354,000
General Fund—Feed and Fertilizer Account Appropriation . . . . . \$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation . . . . . \$	214,000	220,000
Commercial Feed Fund Appropriation . . . . . \$	246,000	236,000
Seed Fund Appropriation . . . . . \$	486,000	498,000
Nursery Inspection Fund Appropriation . . . . . \$	315,000	316,000
Total Appropriation . . . . .	\$18,003,000	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

NEW SECTION, Sec. 316. FOR THE CONSERVATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 182,000	182,000
Total Appropriation . . . . .	\$364,000	

NEW SECTION, Sec. 317. FOR THE WASHINGTON CENTENNIAL COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 754,000	739,000
General Fund—State Centennial Commission		
Account Appropriation . . . . .	\$ 77,000	145,000
Total Appropriation . . . . .	\$1,715,000	

NEW SECTION, Sec. 318. FOR THE SMALL BUSINESS IMPROVEMENT COUNCIL

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 83,000	83,000
Total Appropriation . . . . .	\$166,000	

NEW SECTION, Sec. 319. FOR THE WORLD FAIR COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 3,384,000	504,000
Total Appropriation . . . . .	\$3,888,000	

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

(1) Not more than \$354,000 shall be used for commission administration and oversight in fiscal year 1986.

(2) \$247,000 is provided for operation of the state of Washington exhibit at EXPO '86 in fiscal year 1986.

(3) \$2,783,000 is provided for the development and construction of the state of Washington exhibit at EXPO '86 in fiscal year 1986.

PART IV  
TRANSPORTATION

NEW SECTION, Sec. 401. FOR THE STATE PATROL

	FY 1986	FY 1987
General Fund Appropriation—State . . . . .	\$ 6,684,000	6,611,000
General Fund Appropriation—Federal . . . . .	70,000	70,000
General Fund Appropriation—Private/Local . . . . .	718,000	539,000
General Fund—Death Investigations Account		
Appropriation . . . . .	\$ 12,000	12,000
Total Appropriation . . . . .	\$14,716,000	

The appropriations in this section are subject to the following conditions and limitations: \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Engrossed Substitute Senate Bill No. 3276. If the bill is not enacted before July 1, 1985, this appropriation shall lapse.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 6,342,000	5,697,000
General Fund—Architects' License Account Approp- riation . . . . .	\$ 234,000	234,000
General Fund—Medical Disciplinary Account		
Appropriation . . . . .	\$ 440,000	440,000
General Fund—Health Professions Account Approp- riation . . . . .	\$ 2,826,000	2,770,000
General Fund—Professional Engineers' Account		
Appropriation . . . . .	\$ 405,000	400,000
General Fund—Real Estate Commission Account		
Appropriation . . . . .	\$ 2,834,000	2,434,000
Total Appropriation . . . . .	\$25,056,000	

NEW SECTION, Sec. 403. FOR THE MARINE EMPLOYEES' COMMISSION

	FY 1986	FY 1987
Motor Vehicle Fund—Puget Sound Ferry Operations		
Account Appropriation . . . . .	\$ 137,000	137,000
Total Appropriation . . . . .	\$274,000	

The appropriations in this section are subject to the following conditions and limitations: The commission shall contract for \$50,000 a year with the public employment relations commission for secretarial support and mediation services.

PART V  
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State . . . . .	\$	19,173,000
General Fund Appropriation—Federal . . . . .	\$	7,412,000

General Fund—Public Safety		
and Education Account Appropriation	\$	464,000
Total Appropriation	\$	27,049,000

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

(1) The general fund—public safety and education account appropriation may be expended 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) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) \$1,550,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation	\$	9,568,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation	\$	3,465,393,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) \$317,285,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through (d) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of

the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) 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 unit.

(d) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(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.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,614 per

staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 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 \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than \$999,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal 1987.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

(1) For the purposes of sections 503 and this section, the following conditions and limitations apply:

(a) "LEAP Document 7" means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) Each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the districts prior year staff mix factor calculated using LEAP Document 1.

(c) Each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized for the district's basic education program.

(b) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

(c) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(d) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PART-TIME CLASSIFIED EMPLOYEE INSURANCE BENEFITS**

General Fund Appropriation ..... \$ 4,381,000

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$4,381,000 may be allocated during the months of July and August 1985 for insurance benefits for part-time classified employees as specified in section 503(8) of Engrossed Substitute House Bill No. 386 for such benefits for the time period from September 1, 1984, through June 30, 1985.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	355,371,000
General Fund Appropriation—Federal .....	\$	30,153,000
Total Appropriation .....	\$	385,524,000

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

(1) \$32,235,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 and 1986-87 school years in accordance with a district's actual handicapped enrollments and the allocation model established in new LEAP Document 8 as developed by the legislative evaluation and accountability program committee on April 18, 1985, at 9:21 hours.

(3) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State .....	\$	20,982,000
General Fund Appropriation—Federal .....	\$	6,663,000
Total Appropriation .....	\$	27,645,000

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

(1) A maximum of \$10,449,000 of the general fund—state appropriation may be expended for the 1985-86 school year, distributed as follows:

(a) A maximum of \$4,745,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,927 per full time equivalent student.

(b) A maximum of \$3,203,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,550 per full time equivalent student.

(c) A maximum of \$275,844 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,448 per full time equivalent student.

(d) A maximum of \$532,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,326 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,695,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,851 per full time equivalent student.

(2) A maximum of \$10,089,000 of the general fund—state appropriation may be expended for the 1986-87 school year, distributed as follows:

(a) A maximum of \$4,465,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,967 per full time equivalent student.

(b) A maximum of \$3,116,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,555 per full time equivalent student.

(c) A maximum of \$276,000 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,456 per full time equivalent student.

(d) A maximum of \$533,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,319 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,698,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,859 per full time equivalent student.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation .....	\$	9,342,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$760,000 is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent shall distribute funds for the 1985-86 and 1986-87 school years at a maximum rate of \$410 per eligible student.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE**

General Fund Appropriation .....	\$	24,733,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter

28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . . \$ 4,918,000

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

(1) \$408,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of \$2,326,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of \$2,391,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal . . . . . \$ 108,324,000

(1) Education Consolidation and Improvement Act . . . . . \$ 105,360,000

(2) Education of Indian Children . . . . . \$ 335,000

(3) Adult Basic Education . . . . . \$ 2,629,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation . . . . . \$ 63,312,000

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

(1) Funding for vocational programs during the 1985-86 school year shall be distributed at a rate of \$2,779 per student for a maximum of 11,255 full time equivalent students.

(2) Funding for vocational programs during the 1986-87 school year shall be distributed at a rate of \$2,820 per student for a maximum of 11,255 full time equivalent students.

(3) Not more than \$779,000 of this appropriation may be expended for adult basic education programs.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation . . . . . \$ 2,332,000

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

(1) Not more than \$1,166,000 of this appropriation shall be expended during fiscal year 1986.

(2) The appropriation in this section is intended to provide an average state support level of \$750 per student for fiscal year 1986 and \$779 per student for fiscal year 1987.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . . \$ 208,894,000

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

(1) A maximum of \$92,238,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.

(2) A maximum of \$755,000 may be expended for regional transportation coordinators.

(3) A maximum of \$56,000 may be expended for bus driver training.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State . . . . . \$ 6,000,000

General Fund Appropriation—Federal . . . . . \$ 69,584,000

Total Appropriation . . . . . \$ 75,584,000

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund—Public Safety and Education Account Appropriation . . . . . \$ 15,123,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$549,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation . . . . . \$ 4,126,000

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

(1) Not more than \$2,017,000 of this appropriation is provided for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(2) Not more than \$831,000 of this appropriation is provided for teacher training in drug and alcohol abuse education and prevention in grades K through 12.

(3) Not more than \$623,000 of this appropriation is provided for pilot programs to encourage potential high school drop-outs to remain in school.

(4) Not more than \$575,000 of this appropriation is provided for a contract with the Pacific Science Center for educational programs serving public schools.

(5) Not more than \$80,000 of this appropriation is provided for a contract with the Cispus learning center for environmental education programs.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation . . . . . \$ 255,000

The appropriation in this section is subject to the following conditions and limitations: These funds shall be expended for teacher in-service training in math, science, and computer technology.

NEW SECTION, Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PAYMENTS TO THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation—State . . . . . \$ 111,765,000

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

(1) The superintendent of public instruction shall transfer \$33,000,000 of the funds provided solely by this section to the department of retirement systems during July and August 1985 for payment to the teachers' retirement system.

(2) \$21,320,000 is provided for the 1985-86 school year for: (a) State-funded certificated staff allocation to be distributed according to the allocation formula in sections 503, 506, 507, 508, 510, and 512 of this act in addition to the teachers' retirement system contributions contained in those sections; and (b) nonstate-funded certificated employees.

(3) \$136,021,442 has been provided in this act for teachers' retirement system pension funding for state-funded certificated staff allocation for sections 503, 506, 507, 508, 510, and 512 of this act during the 1985-86 school year.

NEW SECTION, Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal . . . . . \$ 24,085,000

NEW SECTION, Sec. 521. HIGHER EDUCATION

The appropriations in sections 522 through 528 of this act are subject to the following conditions and limitations:

(1) Institutions employing state-funded graduate assistants in excess of the numbers specified in this section shall reimburse the state general fund by placing in reserve an amount equal to the additional operating fees waived. The limit on the number of state-funded graduate assistants per year for the purposes of this section are:

	<u>Regular</u>
	<u>Session</u>
University of Washington	1021
Washington State University	598
Eastern Washington University	53
Central Washington University	40
Evergreen State College	0
Western Washington University	66

(2) No funds may be used for the inauguration or operation of new degree programs until the program has been reviewed and favorably recommended by the council for postsecondary education or its successor agency.

(3) The expenditure per student requirements in sections 522 through 528 of this act may be reduced by two percent if the director of financial management certifies, on or before the tenth day of the last regular instructional period of the fiscal biennium, that the failure to meet the minimum support per student is attributable to financial or other circumstances beyond the control of the institution. The director's rationale for granting the waiver shall be transmitted to the legislative ways and means committees within ten days of notification to the institution.

(4) Moneys appropriated in this act shall not be spent for salary schedule increments for longevity or professional advancement for community college faculty or exempt staff.

(5) A report, including relevant descriptive data, on the progress of the institutions of higher education in meeting the objectives of affirmative action in the hiring of personnel at the management level and state policies on women and minority businesses shall be prepared and submitted by the first day of each October for the review of the council for postsecondary education. The council shall submit a report on the information and degree of compliance with such standards to the legislative ways and means committees each November 1.

(6) No state funds may be used for the direct or indirect support of intercollegiate athletics other than specifically allowed for that purpose in this act. It is the intent of the legislature that no state funds will be spent on intercollegiate athletics after December 31, 1989.

(7) The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may waive all tuition, operating, and service and activities fees for undergraduate or graduate students from foreign nations, excluding Canada, providing reciprocal placements and waivers for Washington residents subject to the following limitations:

(a) No more than the equivalent of 50 waivers may be awarded at each of the two state universities.

(b) No more than the equivalent of 15 waivers may be awarded at each of the regional universities and The Evergreen State College.

The waivers are not subject to the limitations established in RCW 28B.15.740. Students receiving waivers shall not be counted within the expenditure per student requirements in subsection (3) of this section or sections 522 through 528 of this act.

NEW SECTION. Sec. 522. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 240,475,000	238,901,000
Total Appropriation .....	\$479,376,000	

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

(1) \$4,925,000 from the FY 86 general fund appropriation and \$4,924,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$131,461,000 from the FY 86 general fund appropriation and \$131,462,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which means the instruction and primary support programs. Not less than a biennial average of \$3,156 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$102,161,000 from the FY 86 general fund appropriation and \$100,589,000 from the FY 87 general fund appropriation are provided for general purposes including but not limited to libraries, student services, institutional support, and plant operations and maintenance.

(4) \$1,928,000 from the FY 86 general fund appropriation and \$1,926,000 from the FY 87 general fund appropriation are provided for the operation of the state board office.

(5) A maximum of \$648,000 may be spent for intercollegiate sports activities.

NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 214,373,000	213,230,000
Medical Aid Fund Appropriation .....	\$ 1,059,000	1,059,000
Accident Fund Appropriation .....	\$ 1,059,000	1,059,000
General Fund—Death Investigations		
Account Appropriation .....	\$ 335,000	379,000
Total Appropriation .....	\$432,553,000	

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

(1) \$3,245,000 from the FY 86 general fund appropriation and \$3,244,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$129,993,000 from the FY 86 general fund appropriation and \$129,994,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$8,777 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$81,135,000 from the FY 86 general fund appropriation and \$79,992,000 from the FY 87 appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance.

(4) A maximum of \$25,000 from the general fund appropriation may be spent for the purpose of developing and/or operating a cardiac transplantation unit. The university shall provide a report to the senate and house ways and means committees on January 1, 1986, and January 1, 1987. The report shall detail total expenditures to date by fiscal year and by each fund source relating to the development and/or operation of the cardiac transplantation unit and shall include expenditures from all fund sources.

NEW SECTION. Sec. 524. FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 124,651,000	123,886,000
Total Appropriation .....	\$248,537,000	

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

(1) \$1,261,000 from the FY 86 general fund appropriation and \$1,260,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$58,873,000 from the FY 86 general fund appropriation and \$58,627,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$7,464 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$64,517,000 from the FY 86 general fund appropriation and \$63,999,000 from the FY 87 general fund appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance. Of this total, \$23,573,000 is for agricultural research during the biennium and \$16,505,000 is for agricultural extension during the biennium; PROVIDED, That \$38,000 from the FY 86 general fund appropriation and \$38,000 from the FY 87 general fund appropriation is provided solely for a horticulturalist at the southwest Washington extension service; PROVIDED FURTHER, That \$194,000 of the FY 87 general fund appropriation is provided solely as matching funds for the Pullman-Moscow regional airport project.

(4) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 525. FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 36,489,000	35,509,000
Total Appropriation . . . . .	\$71,998,000	

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

(1) \$360,000 from the FY 86 general fund appropriation and \$360,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$21,292,000 from the FY 86 general fund appropriation and \$20,312,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$5,762 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$14,837,000 from the FY 86 general fund appropriation and \$14,837,000 from the FY 87 appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance.

(4) A maximum of \$755,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 526. FOR CENTRAL WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 31,282,000	30,224,000
Total Appropriation . . . . .	\$61,506,000	

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

(1) \$329,000 from the FY 86 general fund appropriation and \$329,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$17,326,000 from the FY 86 general fund appropriation and \$16,468,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$5,632 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$13,607,000 from the FY 86 general fund appropriation and \$13,407,000 from the FY 87 appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance.

(4) \$20,000 of the FY 1986 general fund appropriation and \$20,000 of the FY 1987 general fund appropriation are provided solely for the payment of fire protection service to the city of Ellensburg.

(5) A maximum of \$441,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 527. FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 16,726,000	16,537,000
Total Appropriation . . . . .	\$33,263,000	

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

(1) \$295,000 from the FY 86 general fund appropriation and \$295,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$7,259,000 from the FY 86 general fund appropriation and \$7,259,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$5,999 per

regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$9,152,000 from the FY 86 general fund appropriation and \$8,983,000 from the FY 87 appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance: PROVIDED, That \$75,000 of the FY 86 general fund appropriation is provided solely for the institute of public policy to contract with the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, 1986.

(4) \$20,000 is provided for FY 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is to be used for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, shall be used for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(5) A maximum of \$178,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 528. FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 38,531,000	37,215,000
Total Appropriation	\$75,746,000	

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

(1) \$810,000 from the FY 86 general fund appropriation and \$810,000 from the FY 87 general fund appropriation are provided solely for the purchase, lease, repair, and maintenance of equipment.

(2) \$22,760,000 from the FY 86 general fund appropriation and \$21,619,000 from the FY 87 general fund appropriation are provided solely for instructional expenses, which shall mean the instruction and primary support programs. Not less than a biennial average of \$5,379 per regular session FTE student shall be spent from the state general fund in the instruction and primary support programs.

(3) \$14,961,000 from the FY 86 general fund appropriation and \$14,786,000 from the FY 87 general fund appropriation are provided for general purposes including but not limited to research, public service, libraries, student services, hospitals, institutional support, and plant operations and maintenance.

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 529. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 19,847,000	19,711,000
General Fund Appropriation—Federal	\$ 1,817,000	1,817,000
State Educational Grant Appropriation	\$ 20,000	20,000
Total Appropriation	\$43,232,000	

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

(1) \$18,424,000 from the FY 86 general fund—state appropriation and \$18,424,000 from the FY 87 general fund—state appropriation are provided solely for student financial aid including administrative costs. To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) \$40,000 from the FY 86 general fund appropriation is provided solely for a contract to conduct a higher education needs assessment of the tri-cities area.

NEW SECTION, Sec. 530. FOR THE HIGH-TECHNOLOGY COORDINATING BOARD

	FY 1986	FY 1987
General Fund Appropriation	\$ 169,000	-0-
Total Appropriation	\$169,000	

NEW SECTION, Sec. 531. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$ 5,526,000
General Fund Appropriation—Federal	\$ 22,560,000
Total Appropriation	\$ 28,086,000

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

(1) No state funds may be used by the advisory council for vocational education.

(2) \$750,000 of the general fund—state appropriation is provided solely for services and supplies in the job skills program initiated but not completed during the 1983-85 biennium: PROVIDED, That job skills program expenditures in the 1985-87 biennium shall not exceed the unexpended balance of funds appropriated for such purposes during the 1983-85 biennium.

NEW SECTION, Sec. 532. FOR THE HIGHER EDUCATION PERSONNEL BOARD

	FY 1986	FY 1987
Higher Education Personnel Board Service Fund		
Appropriation	\$ 894,000	885,000
Total Appropriation	\$1,779,000	

NEW SECTION, Sec. 533. FOR THE STATE LIBRARY

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 4,262,000	4,262,000
General Fund Appropriation—Federal	\$ 1,188,000	1,188,000
General Fund Appropriation—Private/Local	\$ 50,000	50,000
Washington Library Network Computer System		
Revolving Fund Appropriation—Private/Local	\$ 6,281,000	6,943,000
Total Appropriation	\$24,224,000	
<u>NEW SECTION, Sec. 534. FOR THE WASHINGTON STATE ARTS COMMISSION</u>		
	FY 1986	FY 1987
General Fund Appropriation—State	\$ 1,877,000	1,511,000
General Fund Appropriation—Federal	\$ 469,000	469,000
Total Appropriation	\$4,326,000	

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund—state appropriation may be expended for works of art in the rotunda area of the legislative building, assisted by the joint legislative arts committee, to assist in the recognition of the 1989 Centennial. The works of art shall depict the early history of the state of Washington and its natural resources, agriculture, economy, and industry.

NEW SECTION, Sec. 535. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

	FY 1986	FY 1987
General Fund Appropriation	\$ 315,000	315,000
Total Appropriation	\$630,000	

NEW SECTION, Sec. 536. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

	FY 1986	FY 1987
General Fund Appropriation	\$ 313,000	313,000
Total Appropriation	\$626,000	

NEW SECTION, Sec. 537. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

	FY 1986	FY 1987
General Fund Appropriation	\$ 281,000	281,000
General Fund—State Capitol Historical Association		
Museum Account Appropriation	\$ 56,000	56,000
Total Appropriation	\$674,000	

PART VI  
SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 601. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$ 2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION, Sec. 602. FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation	\$ 26,790,000
Special Fund Salary Increase	
Revolving Fund Appropriation	\$ 19,120,000
Department of Personnel Service Fund	
Appropriation	\$ 1,005,000
Higher Education Personnel Board Service	
Fund Appropriation	\$ 714,000
Total Appropriation	\$ 47,629,000

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

(1) \$2,578,000 of the general fund appropriation and \$1,305,000 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of  $\$983.72 + (\$3.28 \times \text{points})$  and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. The adjustments shall take place July 1, 1985, and July 1, 1986, and shall equal \$75 a year for all affected classes and employees.

(2) The department of personnel service fund appropriation and the higher education personnel board service fund appropriation are provided solely for activities of the department of personnel and the higher education personnel board relating to conducting job evaluations and updating class specifications. The department of personnel and the higher education personnel board shall review the Willis methodology for any potential gender bias and adjust the evaluation system as appropriate in light of their review. The department of personnel and the higher education personnel board shall update all class specifications that have not been reviewed for the past five years that currently have incumbents, evaluate the remaining unevaluated job classifications that currently have incumbents, and update existing

evaluations. The boards shall give first priority to those job classifications affected under subsections (1) and (3) of this section. The boards shall coordinate their activities with each other. Joint interim reports covering the progress made to date by the department of personnel and the higher education personnel board shall be submitted to the legislature January 1, 1986, and July 1, 1986. All evaluations and class specification updates shall be completed prior to January 1, 1987. A joint final report shall be submitted to the legislature by January 1, 1987.

(3) \$24,112,000 of the general fund appropriation and \$17,815,000 of the special fund salary increase revolving fund appropriation are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. vs. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. vs. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before January 1, 1987, and until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(4) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1987, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(5) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

**NEW SECTION, Sec. 603. FOR JUDGES' SALARIES**

For the 1985-87 biennium:

(1) Each justice of the supreme court shall receive an annual salary of sixty-six thousand dollars.

(2) Each judge of the court of appeals shall receive an annual salary of sixty-three thousand dollars.

(3) Each judge of the superior court shall receive an annual salary of sixty thousand dollars.

**NEW SECTION, Sec. 604. FOR THE GOVERNOR—SALARY INCREASES**

General Fund Appropriation—State .....	\$	10,992,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation .....	\$	71,000
Total Appropriation .....	\$	11,063,000

The appropriations in this section shall be expended to implement:

(1) Salary increases effective January 1, 1986, to implement an average salary increase of eight percent for the faculty of the University of Washington and 4.6 percent for the faculty of Washington State University. The increases are to be granted solely on the basis of formal merit evaluation procedures. The procedures shall take into account critical market disparities in teaching disciplines. For the purposes of this section, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. In no case may a university grant salary increases under this section to more than seventy-five percent of its faculty. Each university shall report to the council on postsecondary education its plans including but not limited to data on increases to specific disciplines by professorial rank by October 31, 1985. The council for postsecondary education or its statutory successor shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria universities will use to measure market disparities in teaching disciplines and to allocate salary

increases to reduce such disparities. The report shall be made before any salary increases are granted from this appropriation, but not later than January 1, 1986.

(2) Research universities may grant salary increases to no more than 75% of faculty receiving compensation from other fund sources: PROVIDED, That such increases do not exceed the average percent increases specified in subsection (1) for their respective institutions. The increases are to be granted solely on the basis of formal merit evaluation procedures which shall take into account critical market disparities in research disciplines.

(3) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

**NEW SECTION.** Sec. 605. (1) The monthly contributions by state agencies for insurance benefits shall not exceed \$167 per eligible employee.

(2) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1985-87 biennium shall be held in reserve within the state employees insurance revolving fund.

(3) The state employees' insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsection (1) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys resulting from a dividend or refund 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 upon which coverage is extended.

**NEW SECTION.** Sec. 606. FOR THE GOVERNOR—RETIREMENT CONTRIBUTIONS

There is appropriated for all state agencies from the General Fund—State to the Special Fund Retirement Contribution Revolving Fund . . . . . \$ 26,300,000

There is appropriated for all state agencies from the Special Fund Retirement Contribution Revolving Fund . . . . . \$ 25,100,000

To facilitate payment of general fund—state and funds other than general fund—state funds by state agencies to the respective retirement funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund retirement contribution revolving fund hereby created in accordance with schedules provided by the office of financial management.

**NEW SECTION.** Sec. 607. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 185,400,000	185,400,000
Total Appropriation . . . . .	\$370,800,000	

\$185,400,000 of the appropriation for each fiscal year shall be deposited in the law enforcement officers' and fire fighters' retirement fund pursuant to RCW 41.26.080.

**NEW SECTION.** Sec. 608. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the General Fund—		
Institutional Impact Account . . . . .	\$	350,000
General Fund Appropriation: For transfer to the General Fund—		
Flood Control Assistance Account pursuant to RCW 86.26.007 . . . . .	\$	4,000,000
General Fund—Forest Development Account Appropriation: For transfer to the General Fund—Resource Management Cost Account to the extent funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers . . . . .	\$	11,908,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1987, an amount up to \$9,853,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1988, for credit to the fiscal year in which earned . . . . .	\$	9,853,000
General Fund—Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the General Fund—Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers . . . . .	\$	1,200,000
General Fund Appropriation: For transfer to the Energy Account—		
Nonappropriated, for interest earned in prior biennia . . . . .	\$	164,733

**NEW SECTION.** Sec. 609. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	14,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	72,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund .....	\$	327,000
<b>NEW SECTION, Sec. 610. FOR BELATED CLAIMS</b>		
(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund .....	\$	1,145,000
(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, 1987, except as otherwise noted.		
To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:		
General Fund—Criminal Justice Training Account .....	\$	4,094
General fund—Institutional Impact Account .....	\$	30,593
General Fund—Architects' License Account .....	\$	1,277
General Fund—Cemetery Account .....	\$	10
General Fund—Trust Land Purchase Account .....	\$	73
General Fund—Archives and Records Management Account .....	\$	5,987
General Fund—Judiciary Education Account .....	\$	249
General Fund—State Timber Tax Reserve Account .....	\$	169
General Fund—Health Professions Account .....	\$	110
General Fund—Professional Engineers' Account .....	\$	218
General Fund—Real Estate Commission Account .....	\$	19,933
General Fund—State Investment Board Expense Account .....	\$	5,732
General Fund—Capitol Building Construction Account .....	\$	30,618
General Fund—Motor Transport Account .....	\$	10,539
General Fund—State Capitol Historical Association Museum Account .....	\$	67
General Fund—Resource Management Cost Account .....	\$	31,248
General Fund—Litter Control Account .....	\$	2,767
General Fund—Traffic Safety Education Account .....	\$	292
General Fund—Salmon Enhancement Construction Account .....	\$	5,982
General Fund—State Building Account .....	\$	10,680
General Fund—L.I.R. Water Supply Facilities Account .....	\$	359
General Fund—State Social and Health Services Construction Account .....	\$	60,813
General Fund—Fisheries Capital Projects Account .....	\$	1,760
Grade Crossing Protective Fund .....	\$	1,772
State Patrol Highway Account .....	\$	47,224
Fertilizer, Agriculture, Mineral and Lime Fund .....	\$	131
Commercial Feed Fund .....	\$	296
Seed Fund .....	\$	2,863
Electrical License Fund .....	\$	1,943
State Game Fund .....	\$	41,881
Highway Safety Fund .....	\$	8,351
Motor Vehicle Fund .....	\$	21,502
Public Service Revolving Fund .....	\$	21,945
Horse Racing Commission Fund .....	\$	1,516
State Treasurer's Service Fund .....	\$	6,831
Legal Services Revolving Fund .....	\$	3,818
General Administration Facilities and Services Revolving Fund .....	\$	996
Department of Personnel Service Fund .....	\$	8,604

State Employees' Insurance Fund	\$	3,355
Data Processing Revolving Fund	\$	860
State Auditing Services Revolving Fund	\$	338
Liquor Revolving Fund	\$	18,665
Department of Retirement Systems Expense Fund	\$	1,456
Accident Fund	\$	15,683
Medical Aid Fund	\$	15,720
Washington Library Network		
Computer System Revolving Fund	\$	9,647

**NEW SECTION, Sec. 611. 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 financial management, except as otherwise provided, as follows:

- (1) In settlement of all claims for expenses in Fox v. State, Superior Court for King County, Judgment No. 83-2-16479-6, pursuant to RCW 9.01.200, including interest ..... \$ 4,280.00
- (2) In settlement of all claims for expenses in State v. Christian, Superior Court for King County, Judgment No. 59720, pursuant to RCW 9.01.200, including interest ..... \$ 4,880.00
- (3) In settlement of all claims for expenses in State v. Thew, District Court for Spokane County, Judgment No. 8314016, pursuant to RCW 9.01.200, including interest ..... \$ 1,385.00
- (4) In settlement of all claims for expenses in State v. Thacker, Superior Court for Kitsap County, Judgment No. C-3363, pursuant to RCW 9.01.200, including interest ..... \$ 37,715.00
- (5) In settlement of all claims for expenses in State v. Brusseau, Superior Court for Spokane County, Judgment No. 8410532, pursuant to RCW 9.01.200, including interest ..... \$ 900.38
- (6) In settlement of all claims for expenses in Niederer v. Powers, Superior Court for King County, Judgment No. 82-5-50674-6, pursuant to RCW 9.01.200 ..... \$ 3,250.00
- (7) In settlement of all claims for expenses in Carrillo v. State, Superior Court for King County, Judgment No. 84-2-10706-5, pursuant to RCW 9.01.200, including interest ..... \$ 8,812.20
- (8) In settlement of all claims for expenses in Lindsey v. Murphy Brothers Construction, Inc., Superior Court for Ferry County, Judgment No. 7081, pursuant to RCW 9.01.200, including interest ..... \$ 5,607.22
- (9) In settlement of all claims for expenses in Keith v. Cain, Superior Court for King County, Judgment No. 83-2-00358-0, pursuant to RCW 9.01.200 ..... \$ 3,427.72
- (10) Department of Social and Health Services: (a) Payment for medical insurance premiums for the month of July 1976 due the Health Care Financing Administration ..... \$ 300,190.30
- (b) Payment of judgment in Washington Natural Gas Co. v. State, Superior Court for King County, Judgment No. 80-2-04165-7, including interest ..... \$ 52,330.00
- (c) In settlement of all claims of the parties in Boyce, et al. v. DSHS, Superior Court for Thurston County, Judgment No. 80-2-00309-4, including interest ..... \$ 315,307.00
- (d) Payment of judgment in United Nursing Homes v. State, Superior Court for Thurston County, Judgment No. 80-2-01170-4, including interest: PROVIDED, That to the extent that federal financial participation is available, the department of social and health services shall apply such funds before using this appropriation ..... \$ 72,222.41
- (e) In settlement of all claims of the parties in Washington Federation of State Employees v. State, Superior Court for Thurston County, Cause No. 80-2-00966-1 ..... \$ 71,840.93
- (11) Irwin & Associates, Payment of judgment in Irwin v. State, Superior Court for King County, Judgment No. 84-2-18326-8, including interest ..... \$ 56,510.00
- (12) Michael R. Boespflug, In settlement of all claims in State v. State Credit Assoc., Inc., Superior Court for King County, Judgment No. 848-936 including interest ..... \$ 34,709.40
- (13) In settlement of all claims of the parties in Burman v. State, Superior Court for King County, Cause No. 82-2-09155-3: PROVIDED,

That payment shall be made from the Public Safety and Education Account, under the control of the court, and any remaining balance be returned to the state . . . . .		\$	1,200,000.00
(14)	William J. Rush, Payment of judgment in State v. American Antenna Corp., Superior Court for Pierce County, Judgment No. 82-2-01064-8 . . . . .	\$	80,000.00
(15)	Ray A. Bolderman, Payment for loss of personal property while under protection of the department of fisheries . . . . .	\$	889.80
(16)	Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
	(a) Ray Beller . . . . .	\$	4,086.03
	(b) Barry J. Wheeler . . . . .	\$	2,150.72
	(c) Robert M. Smith . . . . .	\$	600.05
	(d) Richard E. Rubenser . . . . .	\$	22,107.05
	(e) John Frank Thelen . . . . .	\$	4,885.00
	(f) Lewis B. Cox . . . . .	\$	4,224.50
	(g) Frank Saitta . . . . .	\$	3,320.00
	(h) David K. Billingsley . . . . .	\$	1,441.80
	(i) Patrick A. Wolf . . . . .	\$	5,928.00
	(j) Dean C. Farrens . . . . .	\$	2,524.50
(17)	Office of the Attorney General, payment of judgments for costs (United States Court of Appeals, Third Circuit, Judgment dated May 23, 1983, in appeal Nos. 81-2341/50; United States District Court, Eastern District of Pennsylvania, Judgment dated August 9, 1983 in M.D.L. No. 323; and United States Court of Appeals, Third Circuit, Judgment dated September 6, 1984 in appeal No. 83-1742), including interest, pursuant to Agreement Re Satisfaction of Judgments which, upon payment of that amount as a result of authorization from the current session, will fully and completely discharge the state from any and all further claims under the judgments . . . . .	\$	34,035.86
(18)	Anthony Schwab, Payment of judgment in State v. Schwab, Supreme Court No. 50756-2, including interest . . . . .	\$	2,298.45
	<u>NEW SECTION, Sec. 612. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION</u>		
	General Fund Appropriation for fire insurance premiums tax distribution . . . . .	\$	4,337,900
	General Fund Appropriation for public utility district excise tax distribution . . . . .	\$	21,932,000
	General Fund Appropriation for prosecuting attorneys' salaries . . . . .	\$	1,708,071
	General Fund Appropriation for motor vehicle excise tax distribution . . . . .	\$	43,415,000
	General Fund Appropriation for local mass transit assistance . . . . .	\$	136,800,000
	General Fund Appropriation for camper and travel trailer excise tax distribution . . . . .	\$	1,263,292
	General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution . . . . .	\$	22,073
	Liquor Excise Tax Fund Appropriation for liquor excise tax distribution . . . . .	\$	18,778,000
	Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . .	\$	269,336,034
	Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	44,000,000
	General Fund—Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	37,760,000
	General Fund—Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	23,378,000
	General Fund—County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	7,858,000
	General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies . . . . .	\$	200,000
	Total Appropriation . . . . .	\$	610,788,370
	<u>NEW SECTION, Sec. 613. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION</u>		
	Forest Reserve Fund Appropriation for forest reserve fund distribution . . . . .	\$	25,164,000
	General Fund Appropriation for federal flood control funds distribution . . . . .	\$	30,000
	General Fund Appropriation for federal grazing fees distribution . . . . .	\$	50,000
	General Fund—Geothermal Account Appropriation . . . . .	\$	117,260

General Fund Appropriation for distribution to counties in conformance with Public Law 97-99 .....	\$	837,896
Total Appropriation .....	\$	26,199,156
<b>NEW SECTION, Sec. 614. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES</b>		
Fisheries Bond Redemption Fund 1977 Appropriation .....	\$	3,476,774
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .....	\$	4,666,130
Higher Education Refunding Bond Redemption Fund 1977 Appropriation .....	\$	8,746,565
Fire Service Training Center Bond Retirement Fund 1977 Appropriation .....	\$	1,626,243
Highway Bond Retirement Fund Appropriation .....	\$	138,861,113
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation .....	\$	234,600
Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	15,087,751
Ferry Bond Retirement Fund 1977 Appropriation .....	\$	29,142,170
Emergency Water Projects Bond Retirement Fund 1977 Appropriation .....	\$	2,594,770
General Administration Building Bond Redemption Fund Appropriation .....	\$	29,425
Public School Building Bond Redemption Fund 1965 Appropriation .....	\$	2,470,955
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .....	\$	3,215,565
Spokane River Toll Bridge Account Appropriation .....	\$	886,400
Higher Education Bond Retirement Fund 1979 Appropriation .....	\$	32,531,592
State General Obligation Bond Retirement Fund 1979 Appropriation .....	\$	208,589,280
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	766,136
State Building Bond Redemption Fund 1967 Appropriation .....	\$	652,100
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation .....	\$	16,067,247
Common School Building Bond Redemption Fund 1967 Appropriation .....	\$	6,876,110
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .....	\$	6,276,470
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation .....	\$	4,015,067
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	10,240,447
State Building and Parking Bond Redemption Fund 1969 Appropriation .....	\$	2,456,880
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	98,604,041
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	11,974,758
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,734,611
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	5,990,090
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation .....	\$	7,508,345
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,562,105
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	276,830
University of Washington Hospital Bond Retirement Fund 1975 Appropriation .....	\$	1,165,915
Washington State University Bond Redemption Fund 1977 Appropriation .....	\$	559,295
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,173,165
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,824,535
State Building Bond Retirement Fund 1975 Appropriation .....	\$	1,358,440
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,374,678
Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	9,480,564
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	375,371
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,457,123
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,201,300
State Facilities Renewal Bond Retirement Fund Appropriation .....	\$	6,356,000
Total Appropriation .....	\$	677,486,956

Sec. 615. Section 33, chapter 7, Laws of 1983 as last amended by section 607, chapter 285, Laws of 1984 and RCW 82.32.400 are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the

unfunded liability of a state retirement system or, during the ((1983-1985)) 1985-87 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium.

**NEW SECTION, Sec. 616.** The office of financial management, the legislative evaluation and accountability program committee, the senate ways and means committee and the house of representatives ways and means committee shall, prior to December 15, 1985, develop a common, electronically transmittable budgetary data base, including the necessary economic and demographic statistics, wherein the intent and position of the executive and legislative branches are provided.

**NEW SECTION, Sec. 617.** Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1985.

**NEW SECTION, Sec. 618.** Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION, Sec. 619.** In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION, Sec. 620.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION, Sec. 621.** Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION, Sec. 622.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION, Sec. 623.** 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. 624.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Kreidler moved the following amendments by Senators Kreidler and Halsan to the amendment be considered simultaneously and adopted:

On page 3, line 17, after "appropriation", strike "\$9,452,000", and insert "\$9,552,000"

On page 3, line 20, after "Total appropriation", strike "\$32,691,000" and insert "\$32,791,000"

On page 4, line 5, strike "\$100,000", and insert "\$200,000"

#### PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, would you advise the body of the number of votes required to pass these amendments?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The number of votes required to pass the amendments to this bill, as it is before us, is twenty-five--a majority of those voting. For clarification, I'm referring to Rule No. 52. The rule is as follows: 'No amendment of the budget, or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.' Inasmuch as this bill was not reported by

the Ways and Means Committee, it is before us without reporting by the Ways and Means Committee, it requires only a majority vote."

## MOTION

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 3656 was referred to the Committee on Ways and Means.

## MOTION

At 8:52 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 8:59 p.m. by President Pro Tempore Goltz.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Warnke, the appointment of Barbara Black as a member of the Washington Horse Racing Commission was confirmed.

## APPOINTMENT OF BARBARA BLACK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Zimmerman - 41.

Absent: Senators Benitz, Deccio, Granlund, Kreidler, Stratton, Williams, Wojahn - 7.

Excused: Senator McCaslin - 1.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3165 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 183, Laws of 1980 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than thirty-nine judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce ((thirteen)) fifteen judges of the superior court((:PROVIDED, That the additional offices herein created for the county of Pierce shall be effective January 1, 1981; PROVIDED FURTHER, That the additional judicial positions created by the 1980 amendment of this section for the county of King shall become effective only if prior to July 1, 1980, the county through its duly constituted legislative authority has documented its approval thereof and has agreed to pay out of county funds without reimbursement from the state, the same portion of all expenses of such additional positions as it provides for the positions presently existing, in which case such positions shall become effective on January 1, 1981)).

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, two judges of the superior court; in the county of Clark ((five)) six judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap five judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court((:PROVIDED, That the additional office herein created for the county of Kitsap shall be effective January 1, 1981)).

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 139, Laws of 1982 and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, ((eight)) nine judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

**NEW SECTION.** Sec. 4. (1) Sections 1 and 2 of this act shall take effect January 1, 1987. The additional judicial positions created by sections 1 and 2 of this act in Pierce and Clark counties shall be effective only if, prior to January 1, 1987, each county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

(2) Section 3 of this act shall take effect January 1, 1986. The additional judicial position created by section 3 of this act in Snohomish county shall be effective only if, prior to January 1, 1986, the county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

**NEW SECTION.** Sec. 5. A new section is added to chapter 2.08 RCW to read as follows:

All judicial positions created by the legislature after the effective date of this act, including the additional judicial positions created by sections 1, 2, and 3 of this act, shall be authorized only for counties that have implemented a mandatory arbitration program for civil claims to the maximum extent permitted by law."

On page 1, line 1 of the title, after "court," strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.062, and 2.08.064; adding a new section to chapter 2.08 RCW; creating a new section; and providing effective dates."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3165.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3165, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3165, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Hayner, McDonald, Pullen - 3.

Absent: Senators Benitz, Guess, Kreidler, Owen - 4.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 3165, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORT OF STANDING COMMITTEE

April 27, 1985

ESSB 3656

Prime Sponsor, Committee on Ways and Means: Adopting the 1985-87 biennial operating appropriations act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, Lee, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 3656 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3656, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Adopting the 1985-87 biennial operating appropriations act.

The bill was read the second time.

## MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

(See striking amendment by Senator McDermott to Engrossed Substitute Senate Bill No. 3656 which was moved for adoption earlier this evening)

## MOTION

Senator Halsan moved the following amendments by Senators Halsan and Kreidler to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 3, line 17, after "appropriation", strike "\$9,452,000", and insert "\$9,552,000"

On page 3, line 20, after "Total appropriation", strike "\$32,691,000" and insert "\$32,791,000"

On page 4, line 5, strike "\$100,000", and insert "\$200,000"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Halsan and Kreidler to the committee amendment.

The motion by Senator Halsan failed to receive the constitutional 60% majority and the amendments to the Committee on Ways and Means amendment were not adopted.

## MOTION

Senator Garrett moved the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 11, line 31 strike "	866,000"
and insert "917,500	917,500"

On page 11, line 32, strike "1,732,000" and insert "1,835,000"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Garrett to the committee amendment.

The motion by Senator Garrett failed to receive the constitutional 60% majority on a rising vote and the amendments to the Committee on Ways and Means amendment were not adopted.

## MOTION

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

On page 55, line 23, strike "Engrossed Substitute Senate Bill No. 3276" and insert "Substitute House Bill No. 242"

## MOTION

Senator McDonald moved that the following amendments to the committee amendment be considered simultaneously and adopted:

On page 14, line 33, strike "963,000" and insert "793,000"

On page 14, line 34, strike "1,756,000" and insert "1,586,000"

On page 15, line 1, strike everything beginning with "The appropriations" through "shall lapse."

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Deccio: "A point of inquiry. It is my understanding to increase the budget, it requires a super majority. Does it not also say that when you reduce the budget, it takes a simple majority?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "According to Rule 52, the same majority is required for any amendment. It says, 'No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee shall be adopted except by the affirmative vote of sixty percent of the Senators elected.' So, this would require a sixty percent vote."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator McDonald to the committee amendment.

The motion by Senator McDonald failed to receive the constitutional 60% majority on a rising vote and the amendments to the Committee on Ways and Means amendment were not adopted.

## MOTION

Senator Kreidler moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 49, following line 16, add a new subsection to read as follows:

"(12) \$200,000 of the general fund-state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kreidler to the committee amendment.

The motion by Senator Kreidler failed to receive the constitutional 60% majority on a rising vote and the amendment to the Committee on Ways and Means amendment was not adopted.

## MOTION

Senator Bailey moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 58, line 10, strike "3,465,393,000" and insert "3,465,758,000"

On page 62, after line 11, insert a new subsection to read as follows:

"(10) \$365,000 of the general fund-state appropriation is provided solely for instruction in the prevention of child abuse under RCW 28A.05.010 and Substitute House Bill 805."

## POINT OF INQUIRY

Senator Granlund: "Senator Bailey, if your amendments pass, is it your intention to vote for the budget?"

Senator Bailey: "It is my intention to vote for the budget."

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bailey to the committee amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed to receive the constitutional 60% majority by the following vote: Yeas, 17; nays, 30; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Newhouse, Sellar, Zimmerman - 17.

Voting nay: Senators Brauer, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Absent: Senator von Reichbauer - 1.

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator McManus, the following amendments by Senators McManus and Gaspard to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 77, line 35, strike "19,711,000" and insert "19,793,000"

On page 78, line 18, strike "0" and insert "169,000"

On page 78, line 19, strike "169,000" and insert "338,000"

## PARLIAMENTARY INQUIRY

Senator Saling: "Mr. President, I have a point of parliamentary inquiry. Within the past five minutes, I've received on my desk a Free Conference Committee Report on 3310. The time listed on that report is 3:30 on the 27th. I'm not sure when the 3:30 was put on there, but it was put on my desk and I saw that this report was being put on other desks at the same time.

"Would you explain the twenty-four hour ruling to me when a report is put on my desk five minutes ago, but it says 3:30?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Rule 11 of the Joint Rules is the rule that applies and it says in the second paragraph, 'The report shall be read in full in each house before a vote is taken on the report. The Senate and House, within their own bodies, can suspend the reading of the report in full. Each house shall have twenty-four hours from the time of proper receipt by the Chief Clerk of the House and the Secretary of the Senate to consider Reports from the Free Conference Committee.'

"The time on your report is the time that it was received by the Secretary of the Senate. It is then processed and copied by the printing section and brought back as quickly as possible and put on your desks. The twenty-four hours is not the time that it necessarily is on your desk, but is the time that it is received. The rule is meant to provide the time for the processing, the printing and getting it on your desk in adequate time, so you may have an opportunity to study it before a vote is taken."

Senator Saling: "Thank you, Mr. President, then it does not mean that it will be on our desks for twenty-four hours? It will be in the hands of the clerk for twenty-four hours?"

President Pro Tempore Goltz: "It does not mean that it will be on your desk for twenty-four hours. It means that it will be received by the Secretary of the Senate twenty-four hours before it is considered."

Senator Saling: "Thank you."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, Senator Saling's question brings up a good point. A period of time ago we had no rule and we were actually running around with one or two people having a copy, so we instituted a rule that conference committees must turn them into the Secretary of the Senate. The time starts and they are processed in the ordinary course of business. Now, they cannot take priority over amendments for bills on the floor, but we do try to get them out. I think when your party was in control, we had the same problem of falling behind a little bit, but we have instructed the Chief Clerk, as Senator Hayner did, to get them out as quickly as they can so that everybody has a chance to see them before they are forced to vote on them."

## PARLIAMENTARY INQUIRY

Senator Saling: "Then does that mean that any report received by the clerk after midnight tonight is dead?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Any report received less than twenty-four hours before the time of adjournment, which would be midnight tonight would not be under consideration except by a suspension of the rules, which requires a two-thirds vote."

Senator Saling: "In other words, what you are saying is any report received after midnight tonight will require a two-thirds vote to suspend the rules and still be alive."

President Pro Tempore Goltz: "Received by the Secretary of the Senate."

#### MOTION

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Gaspard, McDermott, Patterson and Saling to the Committee on Ways and Means amendment was adopted:

On page 72, line 14, add the following:

"(8) The research and regional universities shall report to the Senate and House Ways and Means Committee, the Senate Education Committee and the House Higher Education Committee by July 1, 1985, regarding their existing summer session tuition and fee structure and their proposed summer session fee structure under a self-sustaining operation."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

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

On page 1, beginning on line 1, after "budget;" strike the remainder of the title and insert "amending RCW 82.32.400: making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3656 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, the House struck all the off-campus funding and this budget reinstates that. Is that correct?"

Senator McDermott: "I never considered doing such a thing. I stayed with the Senate budget."

Senator Deccio: "What I'm saying is that the House took it out and we put it back in."

Senator McDermott: "We went back to the Senate budget which puts the money in for off-campus courses."

Senator Deccio: "The intent of this budget in the legislature then is that those off-campus courses as they are being funded would be contingent and that money would not be used somewhere else? Does that make sense?"

Senator McDermott: "Say that question again, please?"

Senator Deccio: "If we are funding off-campus courses, we would expect the universities to use that money for that purpose, isn't that right?"

Senator McDermott: "Essentially, Senator, we give the money to the universities and allow them the discretion to develop off-campus programs. What the House did was--they looked out there and said, 'Look at that off-campus program, that costs X millions of dollars, let's take that away from the universities.' There is no intention--they still will have the flexibility to run an off-campus program if they want to. There is no requirement that they continue any program that is out there, but there's certainly no prohibition against them having off-campus programs as they have in the past."

Senator Deccio: "But the money is in the budget for that purpose?"

Senator McDermott: "Yes, it is there."

#### MOTION

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3656.

## ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3656, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, Lee, McDonald, Pullen, Saling, Sellar - 14.

Excused: Senators McCaslin, von Reichbauer - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3310 and has granted the powers of Free Conference, and said report is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3310, facilitating election administration, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 2. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct ~~((shall))~~ may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored ~~((- PROVIDED, HOWEVER, That))~~, Except as permitted under subsection (5) of this section, no precinct boundaries ((shall)) may be changed during the period starting ((as of)) on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters ~~((- PROVIDED, That))~~, but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval

of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

If such a limitation is established by a county legislative authority, no precinct within the jurisdiction of the county may contain more registered voters than authorized in such an ordinance.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the ~~((same;))~~ precincts. The county auditor shall thereupon designate the voting place for each such precinct.

Sec. 3. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 3, Laws of 1980 and RCW 29.13.020 are each amended to read as follows:

All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- (1) Elections for the recall of any elective public officer~~(:);~~
- (2) Public utility districts~~(:)~~ or district elections ~~((whereat))~~ at which the ownership of property within ~~((said))~~ those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto~~(:);~~
- (3) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~((PROVIDED HOWEVER, That in any county holding an election on the second Tuesday in March of 1980 pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution, any city, town, or district where any portion of the registered voters of that city, town, or district reside within that charter county may hold special elections on the second Tuesday in March of 1980));~~
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f). Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

**NEW SECTION.** Sec. 4. A new section is added to chapter 29.13 RCW to read as follows:

For any reimbursement of election costs under RCW 29.13.047, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve Bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose under RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047.

Sec. 5. Section 2, chapter 142, Laws of 1984 and RCW 29.18.025 are each amended to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the ~~(the)~~ fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

Sec. 6. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the ~~(the)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010 ~~(as now or hereafter amended;)~~ shall file their declarations of candidacy with the county auditor of the county not earlier than the ~~(the)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time ~~(to and including the first Wednesday after)~~ before the Friday following the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100 ~~(PROVIDED: That), but no filing fee (shall) may be charged (in the event that) if the office sought is without a fixed annual salary.~~

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five-day period throughout the state of Washington for filing declarations of candidacy.

Sec. 7. Section 29.30.010, chapter 9, Laws of 1965 as amended by section 51, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county in which the ballot is to be used, the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right. Each position with the names running for that office, shall be separated from the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers ~~(by precinct election workers)~~ without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 8. Section 60, chapter 361, Laws of 1977 ex. sess. as amended by section 1, chapter 121, Laws of 1982 and RCW 29.30.081 are each amended to read as follows:

(1) On the top of each general election paper ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first below the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot.

(3) There shall be a  at the right of the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, the names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

Sec. 9. Section 33, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.310 are each amended to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

Sec. 10. Section 67, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.125 are each amended to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 11. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1984 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary(~~(-PROVIDED: That)~~). An application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application(~~(-PROVIDED FURTHER: That)~~). A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee

ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger (~~(-PROVIDED, That)~~). Application made by mail must be sent directly to the county auditor or to the secretary of state, who shall promptly forward such applications to the appropriate county. No person, organization, or association within the state may distribute absentee ballot applications containing any return address other than that of the county auditor. No application for an absentee ballot (shall) may be approved unless the voter's signature upon the application compares favorably with the voter's signature upon his permanent registration record.

NEW SECTION. Sec. 12. A new section is added to chapter 29.04 RCW to read as follows:

(1) Every person who desires to be a write-in candidate and have such votes counted at a primary or election shall, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the Tuesday immediately before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy must be filed with the secretary of state not later than the first Tuesday before the primary or election. No person may file as a write-in candidate where:

(a) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(c) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29.18.030 and shall be accompanied by either the appropriate filing fee or a supplemental nominating petition, as required by RCW 29.18.050.

(2) The provisions of subsection (1) of this section do not apply to any person who desires to be a write-in candidate for an office or nomination if a vacancy caused by the death or disqualification of a candidate or nominee for that office or nomination occurs: After the Tuesday before the primary or election; and before that primary or election.

NEW SECTION. Sec. 13. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall, not later than the Friday after the last day for filing of write-in declarations with his or her office, notify each county auditor of any such filings for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.

Sec. 14. Section 29.36.075, chapter 9, Laws of 1965 as amended by section 1, chapter 136, Laws of 1983 and RCW 29.36.075 are each amended to read as follows:

Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committeeperson (~~(s) Write-in votes for uncontested precinct committeepersons' races shall be canvassed and included with the official vote count)~~ who have filed valid declarations of candidacy under section 12 of this 1985 act. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under section 12(1) of this 1985 act. "Uncontested office" does not mean an office or nomination for which a person may be a write-in candidate under section 12(2) of this 1985 act.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

Sec. 15. Section 29.51.100, chapter 9, Laws of 1965 as amended by section 15, chapter 101, Laws of 1965 ex. sess. and RCW 29.51.100 are each amended to read as follows:

On receipt of his or her ballot in ~~((an))~~ a primary or a general or special election the ((elector)) voter shall forthwith and without leaving the polling place retire alone to one of the places, booths, or ((apartments)) compartments provided to prepare ((his)) and mark the ballot. ((Each elector shall prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote.) Ballots shall be voted in the manner appropriate for the type of system used.

((In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be.)) Any ((elector)) voter may write ((in the blank spaces)) the name of any person for an office who has filed as a write-in candidate for

the office in the manner provided by section 12(1) of this 1985 act, or who is exempted from filing by section 12(2) of this 1985 act, for whom he or she may wish to vote((~~PROVIDED, That where a partisan office is concerned, the voter must not only write in the name of the candidate but also the party affiliation of such person pursuant to the provisions of RCW 29.51.170 as now or hereafter amended~~)).

Before leaving the booth or compartment the ~~((elector))~~ voter shall fold ~~((his))~~ the ballot or ballot card or place the ballot card in the envelope provided in such a manner that the number of the ballot ~~((shall))~~ appears on the outside ~~((thereof))~~ or projects beyond the covering page or envelope end, without displaying the marks on the face ~~((thereof, and deliver it))~~ of the ballot. The voter shall then return with the ballot to the inspector of election.

Sec. 16. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170 are each amended to read as follows:

For any office at any election or primary, any voter may write in on the ballot the name of any person ~~((for whom he desires to vote for any office))~~ who has filed as a write-in candidate for that office in the manner provided by section 12(1) of this 1985 act, or who is exempted from filing by section 12(2) of this 1985 act, and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter~~((PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary. PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name. AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.~~

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated).

Sec. 17. Section 29.51.110, chapter 9, Laws of 1965 as amended by section 43, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.110 are each amended to read as follows:

Upon delivery of each ballot after being marked and folded by a voter, the inspector ~~((in an audible tone shall repeat the name of the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector))~~ shall ~~((then))~~ separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. ~~((The numbers removed from the ballots shall be destroyed immediately.))~~ The inspector shall, however, permit any voter expressing a desire to separate his or her own slip or to deposit his or her own ballot, or both, to do so. Any voter detaching or separating the number slip must return that slip to the inspector.

Sec. 18. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 19. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 20. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ~~((town clerk))~~ county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 21. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 22. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as last amended by section 30, chapter 18, Laws of 1979 ex. sess. and RCW 35A.29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the ~~((last))~~ fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held (~~PROVIDED, That~~)). However, if the first election of all officers upon reorganization as a non-charter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 (~~(-as now or hereafter amended-))~~) is an election as provided in RCW 35A.02.050 (~~(as now or hereafter amended))~~), such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 (~~(as amended))~~). Any candidate may withdraw his declaration at any time (~~(but not later than five days after))~~ before the Friday following the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions.

Sec. 23. Section 29, chapter 34, Laws of 1939 as amended by section 34, chapter 230, Laws of 1984 and RCW 52.14.070 are each amended to read as follows:

Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the ~~((clerk of the superior court in))~~ auditor of the county in which the district is situated.

Sec. 24. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 25. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county (~~(clerk)~~) auditor.

NEW SECTION, Sec. 26. The names of all candidates for partisan office and for all judicial offices except district court judge shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with section 27(2) of this act, determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and section 27 of this act, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

NEW SECTION, Sec. 27. Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In partisan and judicial elections other than for district court judge, the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

Sec. 28. Section 29.30.060, chapter 9, Laws of 1965 as amended by section 55, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.060 are each amended to read as follows:

In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a sample paper ballot which he shall display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper (~~(and)~~). The names of the candidates in the primary for each office shall be arranged ((thereon)) on the sample ballot in the order provided by sections 26 and 27 of this act, and the names of candidates in the general election for each office shall be in the order in which their ((declarations of candidacy were filed)) names appear on the official ballot, as provided in RCW 29.30.081(2), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 29. Section 37, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.350 are each amended to read as follows:

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates in the primary for each office shall be arranged ((thereon)) on the sample ballot in the order provided by sections 26 and 27 of this act, and the names of candidates in the general election for each office shall be arranged in the order in which their ((declarations of candidacy were filed)) names appear on the official ballot, as provided in RCW 29.30.380, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 30. Section 46, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.450 are each amended to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates in the primary for each office shall be arranged ((thereon)) on the diagram in the order provided by sections 26 and 27 of this act, and the names of candidates

in the general election for each office shall be arranged in the order in which their (~~declarations of candidacy were filed~~) names appear on the official ballot labels as provided in RCW 29.30.480(2), except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

NEW SECTION. Sec. 31. Sections 26 and 27 of this act shall be added to chapter 29.18 RCW. Sec. 32. Section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070 are each amended to read as follows:

~~(The registration officer shall interrogate the)~~ An applicant for voter registration(;) shall provide the following information concerning his or her qualifications as a voter of the state, ~~(and of the)~~ county, city, town, and precinct in which he ~~(applies for registration, requiring him to state)~~ or she resides:

(1) The ~~(previous)~~ address of ~~(the)~~ his or her last ~~(former)~~ registration ~~(of the applicant as a voter in ((the)) this state, if applicable;~~

(2) His or her full name;

(3) His or her date of birth; and

(4) His or her place of residence, giving the street and number, if any, or the post office (or rural mail route address;

~~(5) Whether he is a citizen of the United States;)~~ box designation and a physical description sufficient to determine the location of the applicant's residence;

(5) Place of birth (city and state or equivalent).

The applicant may, at his or her option, designate a political party or independent preference. The applicant may also be asked to provide the registration officer with a telephone number where he or she may be reached to verify or complete information on the voter registration record. The form shall clearly state that the political party or independent designation and telephone number are optional and are not requirements for registration.

The answers of the applicant to all such questions shall be ~~(inserted)~~ recorded on a ~~(single)~~ voter registration form ~~(to be)~~ prescribed and furnished by the secretary of state under RCW 29.07.240. Any designation of a political party or independent preference under this section shall be maintained on the computer file of registered voters under RCW 29.07.220.

Sec. 33. Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220 are each amended to read as follows:

Each county auditor shall ~~(establish, on or before July 1, 1975, and)~~ maintain a computer file of all registered voters within that county on magnetic tape ~~(or),~~ disk, ~~(punched cards;)~~ or other computer-readable form of data storage ~~(containing the records of all registered voters within the county. PROVIDED, That an auditor in a county with more than one hundred fifty thousand registered voters may decline to comply with the provisions of all or none of RCW 29.04.055, 29.07.160, 29.07.220, 29.07.230, and 29.07.240).~~ Where it is necessary or advisable, the auditor may provide for the ~~(establishment and)~~ maintenance of such files by private contract or through interlocal agreement ~~(as provided by)~~ under chapter 39.34 RCW ~~(as it now exists or is hereafter amended).~~ The computer file shall include, but not be limited to, each voter's full name, residence address, date of birth, sex, date of registration, political party designation, if any, and applicable taxing district and precinct codes ~~(and the last date on which the individual voted).~~ The county auditor shall subsequently record each consecutive date upon which the individual ~~(has voted)~~ votes and shall retain at least the last five such ~~(consecutive)~~ dates ~~(- PROVIDED, That if the voter has not voted at least five times since establishing his current registration record, only the available dates shall be included).~~

Sec. 34. Section 29.10.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.10.020 are each amended to read as follows:

Any registered voter who changes his or her residence from one address to another within the same county(;) shall ~~(have his registration transferred to his new address by sending)~~ send or deliver to the county auditor a signed request stating ~~(his present)~~ the address ~~(and precinct;)~~ of his or her new residence and the address ~~(and precinct from)~~ at which he or she was last registered ~~(- or by appearing in person before him to have his registration transferred, and signing such request, or in the manner provided by)~~ or shall notify the county auditor of the new address under RCW 29.10.160 ~~(- as now or hereafter amended).~~ The voter may, at his or her option, designate or change a political party or independent preference at the time he or she transfers to a new residence. The forms provided for transferring a voter registration shall contain a space for this party designation and notice to the voter that the political party or independent designation is optional.

Sec. 35. Section 29.51.060, chapter 9, Laws of 1965 as last amended by section 41, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.060 are each amended to read as follows:

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require ~~(him)~~ the voter to sign ~~(his name and current address)~~ the precinct list of registered voters. The signature shall attest, subject to penalties of perjury ~~(in one of the official poll books or in a space provided on one of the precinct lists of registered voters, which shall be~~

designated the county auditor's copy: PROVIDED, That), to a declaration printed at the top of each page of the precinct list of registered voters that the voter is qualified to vote at that primary or election. If the voter's current address is different from the address on the precinct list of registered voters, the voter shall also designate the current address. If the person registered using a cross or mark((:)) and ((being)) was identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who so signed((:)) or by ((a)) another registered voter of the precinct. Unless the identifying witness is personally known to the election officers((:)) or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

The precinct list of registered voters shall include, for each voter in that precinct who has designated such a preference, a record of the most current information optionally provided by the voter regarding political party or independent preference. The voter may, at his or her option, record a political party or independent preference in a space provided on the precinct list of registered voters or change a preference previously designated. The precinct list of registered voters shall clearly state that the party designation is optional and not a requirement for voting.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall copy the voter's name ((and address)) on the corresponding line in a second ((~~poll book or~~) precinct list of registered voters, which shall be ((identified as)) retained by the ((inspector's copy)) inspector for six months following the election or primary.

**NEW SECTION, Sec. 36.** A new section is added to chapter 29.07 RCW to read as follows:

Except as provided under section 39 of this act, not later than July 1, 1987, each county auditor shall modify or redesign his or her automated voter registration system to incorporate the information and procedures required in RCW 29.07.070, 29.07.220, 29.10.020, 29.51.060, sections 37 through 39 of this act, and this section in a manner consistent with the provisions thereof.

**NEW SECTION, Sec. 37.** A new section is added to chapter 29.07 RCW to read as follows:

Except as provided under section 39 of this act, each county auditor shall, not later than July 1, 1988, complete the testing and installation of the new or modified automated voter registration system and the incorporation of the optional political party preference information collected under RCW 29.07.070, 29.10.020, and 29.51.060 for any voter who is currently registered at the time of the conversion to the new or modified system.

**NEW SECTION, Sec. 38.** A new section is added to chapter 29.07 RCW to read as follows:

After each primary, special election, and general election, the county auditor shall update the optional party preference information on the voter registration record of any voter who supplies a new or different party preference on the precinct list of registered voters at that primary or election.

**NEW SECTION, Sec. 39.** A new section is added to chapter 29.07 RCW to read as follows:

By July 1, 1986, each county legislative authority shall determine if the county's existing automated registration system has the capacity to include party preference information in the voter registration records of that county or if the county has the resources to modify the system so as to accommodate these changes.

If the county legislative authority determines that the county's registration system does not have such a capacity and that the authority does not have the resources to modify the system, sections 36 and 37 of this act shall not apply, on or after the effective date of those sections, to that county. A county legislative authority operating under the exemption in this section shall review the determination again by March 1, 1988, and at least every two years thereafter.

Sec. 40. Section 13, chapter 329, Laws of 1977 ex. sess. and RCW 29.18.160 are each amended to read as follows:

(1) A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or state-wide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

(2) Should such vacancy and appointment occur not later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

(3) Should such vacancy and appointment occur after the third Tuesday prior to said state primary or general election, not later than the Tuesday before the primary or election, and time does not exist in which to correct ((paper)) ballots (including absentee ballots) or voting machine labels, ((either in total or in part, then the votes cast or recorded for the person who

has died or become disqualified shall be counted for the person who has been named to fill such vacancy.)) the individual appointed to fill the vacancy shall file as a write-in candidate for the office or nomination in accordance with section 12(1) of this 1985 act. If the vacancy occurs after the Tuesday before the primary or election, the provisions of section 12(1) of this 1985 act do not apply to write-in candidates for that office or nomination.

Votes cast for the person who has died or become disqualified during the period described in subsection (1) of this section shall not be tabulated or recorded by the canvassing board.

(4) When the secretary of state is the person with whom the appointment by the major or minor political party is filed, he shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the appointment to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which he is a candidate or nominee, the party he represents and all other pertinent facts pertaining to the vacancy.

NEW SECTION. Sec. 41. A new section is added to chapter 29.85 RCW to read as follows:

Official election materials produced at public expense shall not be altered and subsequently used in political campaigns as to favor an individual candidate or candidates or a ballot proposition. This section does not apply to the use of any reproduction of such official election materials if (1) the reproduction is not produced at public expense and (2) the reproduction does not bear any language or device indicating that it or the original from which it is made is an official publication of any jurisdiction of the state. Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 42. A new section is added to chapter 29.07 RCW to read as follows:

The county auditor shall have custody of the voter registration records for each county and shall maintain those records in accordance with this section.

(1) The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct and shall not be available for public inspection and copying.

(2) An automated file of all registered voters shall be maintained pursuant to RCW 29.07.220, which shall be the source of the precinct lists of registered voters used at the polls on election day. Lists of registered voters produced from the automated file are public records and are thus available for inspection and copying. Information on any individual voter is exempt from public inspection and copying whenever, in the opinion of the county auditor, the release of such information would result in an unreasonable invasion of personal privacy. If a person is denied public inspection and copying of the automated file, the justification for the denial shall be explained fully in writing.

NEW SECTION. Sec. 43. Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150 are each repealed.

Sec. 44. Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065 are each amended to read as follows:

In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicaid;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer (~~may~~) shall require the applicant to produce a record (~~which~~) that establishes the applicant's date of birth.

Failure to produce such identification except when necessary to establish the applicant's date of birth at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced".

NEW SECTION. Sec. 45. Sections 32 through 35 and 38 of this act shall become effective on July 1, 1987.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1) Section 29.51.090, chapter 9, Laws of 1965 and RCW 29.51.090; and

(2) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180.

**NEW SECTION.** Sec. 47. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 28A.57.322, 29.04.040, 29.13.020, 29.18.025, 29.21.060, 29.30.010, 29.30.081, 29.30.310, 29.34.125, 29.36.010, 29.36.075, 29.51.100, 29.51.170, 29.51.110, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 35A.29.110, 52.14.070, 54.12.100, 68.16.180, 29.30.060, 29.30.350, 29.30.450, 29.07.070, 29.07.220, 29.10.020, 29.51.060, 29.18.160, and 29.07.065; adding new sections to chapter 29.04 RCW; adding a new section to chapter 29.13 RCW; adding new sections to chapter 29.18 RCW; adding new sections to chapter 29.07 RCW; adding a new section to chapter 29.85 RCW; repealing RCW 29.51.090, 29.54.180, and 29.07.150; prescribing penalties; and providing an effective date."

Signed by Senators Talmadge and Thompson; Representatives Fisher, Miller and Leonard.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 3310 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4196 and has granted the powers of Free Conference, and said report is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4196, providing for special programs to assist the unemployed and underemployed, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature finds and declares that:

(1) The number of persons unemployed in the state is significantly above the national average.

(2) Persons who are unemployed represent a skilled resource to the economy and the quality of life for all persons in the state.

(3) There are jobs available in the state that can be filled by unemployed persons.

(4) A public labor exchange can appreciably expedite the employment of unemployed job seekers and filling employer vacancies thereby contributing to the overall health of the state and national economies.

(5) The Washington state job service of the employment security department has provided a proven service of assisting persons to find employment for the past fifty years.

(6) Expediting the reemployment of unemployment insurance claimants will reduce payment of claims drawn from the state unemployment insurance trust fund.

(7) Increased emphasis on assisting in the reemployment of claimants and monitoring claimants' work search efforts will positively impact employer tax rates resulting from the recently enacted experience rating legislation, chapter 205, Laws of 1984.

(8) Special employment service efforts are necessary to adequately serve agricultural employers who have unique needs in the type of workers, recruitment efforts, and the urgency of obtaining sufficient workers.

(9) Study and research of issues related to employment and unemployment provides economic information vital to the decision-making process.

The legislature finds it necessary and in the public interest to establish a program of job service to assist persons drawing unemployment insurance claims to find employment, to provide employment assistance to the agricultural industry, and to conduct research into issues related to employment and unemployment.

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

(1) "Job service" means the employment assistance program of the employment security department;

(2) "Employment assistance" means services to unemployed persons focused on and measured by the obtaining of employment;

(3) "Labor exchange" means those activities which match labor supply and labor demand, including recruitment, screening, and referral of qualified workers to employers;

(4) "Special account of the administrative contingency fund" means that fund under section 8 of this act established within the administrative contingency fund of the employment security department which provides revenue for the purposes of this chapter.

(5) "Continuous wage and benefit history" means an information and research system utilizing a longitudinal data base containing information on both employment and unemployment.

**NEW SECTION.** Sec. 3. Job service resources shall be used to assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery. The job service program of the employment security department may undertake any program or activity for which funds are available and which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

(1) Supplementing basic employment services, with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

(2) Providing employment services, such as recruitment, screening, and referral of qualified workers, to agricultural areas where these services have in the past contributed to positive economic conditions for the agricultural industry;

(3) Providing otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment; and

(4) To research and consider the degree to which the employment security department can contract with private employment agencies, private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment preparation on a fee for service-performance basis.

Sec. 4. Section 8, chapter 35, Laws of 1945 as last amended by section 9, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.070 are each amended to read as follows:

"Contributions" means the money payments due to the state unemployment compensation fund as provided in RCW 50.24.010 ((or)), to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under section 8 of this 1985 act.

Sec. 5. Section 8, chapter 266, Laws of 1959 as last amended by section 10, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.072 are each amended to read as follows:

The terms "contributions" and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund ((or)), to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under section 8 of this 1985 act and are deemed to be taxes due to the state of Washington.

Sec. 6. Section 60, chapter 35, Laws of 1945 as last amended by section 5, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, ((and)) all sums recovered on official bonds for losses sustained by the

fund, and revenue received under section 8 of this 1985 act: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under section 8 of this 1985 act, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under section 8 of this 1985 act may only be expended, after appropriation, for the purposes specified in this 1985 act.

Sec. 7. Section 5, chapter 205, Laws of 1984 and RCW 50.29.025 are each amended to read as follows:

For the rate year 1984 and each rate year thereafter, 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) or (6) of this section shall be in effect for assigning tax rates for the rate year: PROVIDED, That a uniform tax rate of 3.3 percent shall be in effect for the rate year 1984. 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) or (6) 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) Except as provided in subsection (6) of this section, 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	0.5	0.6	1.0	1.5	1.9	2.5	
5.01	10.00	2	0.5	0.8	1.2	1.7	2.1	2.7	
10.01	15.00	3	0.6	1.0	1.4	1.8	2.3	2.9	
15.01	20.00	4	0.8	1.2	1.6	2.0	2.5	3.1	
20.01	25.00	5	1.0	1.4	1.8	2.2	2.7	3.2	
25.01	30.00	6	1.2	1.6	2.0	2.4	2.8	3.3	
30.01	35.00	7	1.4	1.8	2.2	2.6	3.0	3.4	

35.01	40.00	8	1.6	2.0	2.4	2.8	3.2	3.6
40.01	45.00	9	1.8	2.2	2.6	3.0	3.4	3.8
45.01	50.00	10	2.0	2.4	2.8	3.2	3.6	4.0
50.01	55.00	11	2.3	2.6	3.0	3.4	3.8	4.1
55.01	60.00	12	2.5	2.8	3.2	3.6	4.0	4.3
60.01	65.00	13	2.7	3.0	3.4	3.8	4.2	4.5
65.01	70.00	14	2.9	3.2	3.6	4.0	4.4	4.7
70.01	75.00	15	3.1	3.4	3.8	4.2	4.6	4.8
75.01	80.00	16	3.3	3.6	4.0	4.4	4.7	4.9
80.01	85.00	17	3.5	3.8	4.2	4.6	4.9	5.0
85.01	90.00	18	3.9	4.2	4.6	4.9	5.0	5.2
90.01	95.00	19	4.3	4.6	5.0	5.1	5.2	5.4
95.01	100.00	20	5.4	5.4	5.4	5.4	5.4	5.4

(6) For rate years 1985 and 1986, 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	4.88	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)) (7) The contribution rate for each employer not qualified to be in the array shall be a rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent; PROVIDED, That 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. 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.

**NEW SECTION.** Sec. 8. A new section is added to chapter 50.24 RCW to read as follows:

A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

If the commissioner determines that federal funding has been increased to provide financing for the services specified in this act, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Contributions under this section shall be payable only for calendar years 1985 and 1986.

NEW SECTION, Sec. 9. A new section is added to chapter 50.44 RCW to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

Sec. 10. Section 2, chapter 1, Laws of 1971 as last amended by section 1, chapter 1, Laws of 1983 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) either:

(a) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) Equaled or exceeded six percent: PROVIDED, That the six percent trigger shall apply only until ~~((April 30, 1984))~~ December 31, 1985.

(3) There is an "off" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) was either:

(a) Less than five percent; or

(b) Five percent or more but less than six percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen week period ending in each of the two preceding calendar years: PROVIDED, That the six percent trigger shall apply only until ~~((April 30, 1984))~~ December 31, 1985.

(4) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(5) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(6) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

~~(8) ((An "additional benefit period" means a period within an extended benefit period which:~~

~~(a) Begins with the third week after a week for which:~~

~~(i) The governor determines that adverse economic conditions and high unemployment among the state's workers necessitate payment of additional benefits; and~~

~~(ii) The commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection equals or exceeds six and one-half percent: PROVIDED, That six percent shall apply if the fifty-two week rate of insured unemployment has been less than four and one-half percent at any time within the preceding one hundred four weeks.~~

~~(b) Ends with the third week after a week for which the commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection is less than six and one-half percent: PROVIDED, That six percent shall apply if the additional benefit period began because of the proviso in (a)(ii) of this subsection, the fifty-two week rate of insured unemployment has not exceeded six and~~

one-half percent during the additional benefit period, and the additional benefit period has been in effect for fewer than thirty-six weeks:

~~(c) No additional benefit period may last for a period of less than thirteen weeks, and no additional benefit period may begin before the fourteenth week after the close of a prior additional benefit period.~~

~~(d) "Rate of insured unemployment," for the purposes of (a) and (b) of this subsection, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent fifty-two consecutive-week period as determined by the commissioner on the basis of his reports to the United States Secretary of Labor by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such fifty-two week period. The division shall be carried to the fourth decimal place with any remaining fraction disregarded.~~

~~(e) If a federally funded program of benefits is established which provides for benefits beyond thirty-nine weeks, any additional benefit period in effect shall terminate on the last day of the week preceding the effective week of the federal program. No additional benefit period may begin while such a federal program is in effect.~~

~~(9)) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.~~

~~((+)) (9) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:~~

~~(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or~~

~~(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:~~

~~(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or~~

~~(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or~~

~~(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or~~

~~(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and~~

~~(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and~~

~~(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.~~

~~((+)) (10) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.~~

NEW SECTION. Sec. 11. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established beginning April 7, 1985. No new claims for additional benefits will be accepted for weeks beginning after December 31, 1985. This additional benefit period shall end with the start of an extended benefit period or with the start of any totally federally funded benefit program for exhautees.

(2) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(3) The total additional benefit amount shall be the lesser of one-third of regular benefits or eight times the individual's weekly benefit amount.

(4) Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim.

(5) The maximum amount of additional benefits for an individual shall be reduced, but not below zero, by any federal supplemental compensation paid based on the individual's most recent benefit year.

(6) Benefits paid under this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating account of individual employers.

(7) An individual's eligibility for additional benefits shall not be limited or terminated by reason of any event or failure to meet eligibility requirements for the period between April 7, 1985, and the effective date of this act.

(8) This section shall expire on December 31, 1986.

NEW SECTION. Sec. 12. The commissioner shall make a report to the legislature on the impact of the job service program established pursuant to this act by December 1, 1987.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 18, Laws of 1982 1st ex. sess., section 1, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.100;

(2) Section 18, chapter 18, Laws of 1982 1st ex. sess., section 2, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.110;

(3) Section 19, chapter 18, Laws of 1982 1st ex. sess., section 3, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.120; and

(4) Section 1, chapter 140, Laws of 1984 and RCW 50.44.052.

NEW SECTION. Sec. 14. Sections 1, 2, 3, and 8 of this act shall expire July 1, 1987.

NEW SECTION. Sec. 15. The sum of five million two hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the special account of the administrative contingency fund of the employment security department to the employment security department to support the job service program under sections 1 through 3 of this act for the 1985-1987 fiscal biennium. However, if federal funding is increased to provide for the financing of the services specified in this act, this appropriation shall be reduced by the amount that federal funding is increased specifically for such services. This portion of the state appropriation shall be deposited in the unemployment compensation fund.

NEW SECTION. Sec. 16. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1, 2, and 3 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "unemployed;" strike the remainder of the title and insert "amending RCW 50.04.070, 50.04.072, 50.16.010, 50.29.025, and 50.22.010; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.44 RCW; creating new sections; repealing RCW 50.22.100, 50.22.110, 50.22.120, and 50.44.052; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency."

Signed by Senators Warnke and Wojahn; Representatives Wang and R. King.

#### MOTION

Senator Vognild moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4196 be adopted and that the committee be granted the powers of Free Conference.

## MOTION

Senator Newhouse moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 4196 and that the bill pass as amended by the House.

Debate ensued.

## REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I somewhat agree with what Senator Newhouse said with one, I think, major exception and that is there is no increase in cost to any employer in the state of Washington, if the Free Conference Report does indeed pass. What you have is a situation where the federal government has changed the unemployment rules. They've changed them twice, in fact, in the past month. There's a number of things that we've been told that we don't know about the problems and that perhaps is true, but there are some things we do know and I think those things we do know should be discussed.

"What we do know is that the figure of unemployed workers who will be suddenly and totally cut off from benefits will be in excess of 10,000. Now, I said 10,000. The figure that has been used is 15,000 and then there's some debate, so I'm taking the safe side. The cost of this program, if it were to pass, would be at a maximum of twenty-three million dollars. Now, that's dollars that will go back into the economy. That's dollars that will help some people to save their homes and perhaps allow them to sell their homes without taking major losses. This is not asking, in fact, for a full extension as this body has voted on several times--the full thirteen weeks. The Conference Report asked for eight weeks. It asked that the program only be extended for nine months. It is nothing compared to what we have done in the past when we've had extremely high unemployment, as we have right now. I think anyone who looks around at the employment figures in this state and the high unemployment that is going to be impacted if this Conference Report does not pass, and then looks at the balance, that there are no extra costs. There is no extra charge against any employer at this time. I think if you add those two things together--you may come to the conclusion that this is the right thing to do and that this bill should, in fact, pass."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4196 and to grant the committee the powers of Free Conference.

The motion by Senator Vognild carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4196 and the committee was granted the powers of Free Conference.

## MOTION

At 10:15 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:40 p.m. by President Pro Tempore Goltz.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed THIRD SUBSTITUTE SENATE BILL NO. 3827 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The long-range health and environmental goals for the state of Washington must include the protection of the state's critical water bodies and supplies for the health, safety, and enjoyment of its people, and the economic use of water by providing water pollution control facilities and activities. The purpose of this chapter is to provide financial assistance to the state and local governments in the achievement of federal and state water pollution control requirements for the protection of the state's critical water resources. It is further the purpose of this chapter to provide this financial assistance without further indebting the state. It is the policy of this state that the responsibility of paying for the costs of that portion of capacity of water pollution control facilities designed to deal with future growth is a local responsibility and that grants and loans made under this chapter shall not be used to finance such capacities.

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

(1) "Account" means the 1985 water pollution control account.

(2) "City" means a city or town.

(3) "Critical water resource" means those significant surface or subterranean water bodies in jeopardy of further degradation causing irreparable deterioration.

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

(5) "Eligible cost" means that portion of the cost of a water pollution control facility that can be financed in part by a grant or loan under this chapter. The term does not include any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the water pollution control facility needs existing at the time application is made for a loan or grant. The department shall adopt rules to further define "eligible cost" and these policies shall be designed to fairly finance water pollution control facilities and to assure that the taxpayers in some areas of the state are not disproportionately called upon to pay for costs of addressing future pollution control needs in other parts of the state attributable to projected growth occurring in such other parts of the state.

(6) "Public body" means the state of Washington or any agency, county, city, political subdivision, municipal corporation, or quasi-municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution control activities" means: (a) Actions to remove pollutants from or prevent pollution of critical water resources; (b) actions to clean up hazardous waste spills that threaten critical water resources; (c) the development of plans to prevent pollution of critical water resources and to specify needs for water pollution control facilities and other water pollution control activities; (d) research into activities that prevent pollution of critical water resources; and (e) the development of plans and designs specific to particular water pollution control facilities.

(8) "Water pollution control facilities" means facilities owned or operated by a public body for: (a) Preventing pollution to, or mitigating the deterioration of, critical water resources used for drinking purposes, but not including individual hookups; (b) secondary treatment of sewage or greater than secondary treatment of sewage, and related interceptors and outfalls; (c) facilities for treating stormwater; and (d) facilities for storing sewage and stormwater until it can be treated.

**NEW SECTION.** Sec. 3. The 1985 water pollution control account is hereby created in the state treasury. The following moneys shall be placed in the account: (1) Tax receipts from the tax imposed in section 7 of this act; (2) moneys appropriated to this account; (3) principal and interest from the repayment of loans made pursuant to this chapter; and (4) investment income obtained from the investment of these moneys.

**NEW SECTION.** Sec. 4. Moneys in the account shall be administered by the department of ecology subject to legislative appropriation. The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other moneys are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter, and for related administrative expenses. Moneys in the account may also be used by the department to finance water pollution control activities within the purposes of this chapter.

The department shall ensure that grants of moneys authorized under this chapter do not constitute more than fifty percent of the total eligible cost of any water pollution control facility, and that the grants and loans of moneys authorized under this chapter do not constitute more than seventy-five percent of the total eligible cost of any water pollution control facility. The department shall also ensure that the combination of grants and loans of moneys authorized under this chapter and federal grants do not exceed seventy-five percent of the eligible cost of any water pollution control facility. The department shall insure that grants and loans made to a public body for water pollution control activities do not constitute more than fifty percent of the costs of the water pollution control activity. The department shall not provide grants for planning or design of water pollution control facilities, but may provide loans for such purposes that constitute up to one hundred percent of such costs.

Not more than three percent of the moneys in the account may be used by the department of ecology to pay for the administration of the grant and loan program established under this chapter.

Loans shall not be for a term in excess of ten years and shall bear interest at rates determined by the department in consultation with the state treasurer.

The department shall present a progress report on use of moneys from the account to the legislature no later than November 30th of each year.

**NEW SECTION.** Sec. 5. The department shall distribute grants and loans over the period from the effective date of this act until December 31, 1995, in the following manner:

(1) Not more than fifty-three percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of Puget Sound, including Hood Canal;

(2) Not more than ten percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of the straits of Juan de Fuca, Georgia, and Rosario, and marine embayments immediately adjacent to these straits;

(3) Not more than three percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of other marine water in the state;

(4) Not more than eleven percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of freshwater lakes and rivers, including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(5) Not more than sixteen percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of sole source aquifers, including but not limited to not more than fourteen percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of the Spokane Rathdrum Prairie aquifer; and

(6) Not more than twenty-one percent for water pollution control facilities or activities as prescribed by the department.

These distribution percentages shall not restrict distributions in any single year. Not more than two and one-half percent of the total amounts of these moneys from the effective date of this act until December 31, 1995, may be transferred by the department to the state conservation commission for such purposes, of which one-half percent shall be used for research.

NEW SECTION, Sec. 6. When making grants or loans for water pollution control facilities, the department shall take into consideration the following:

(1) The protection of water quality and public health;

(2) The cost to household ratepayers if they had to finance the water pollution control facilities without state assistance;

(3) Regulatory actions established in federal and state compliance orders;

(4) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature to study water pollution control issues around the state;

(5) Geographical distribution;

(6) The extent to which the recipient county or city, or if the recipient is another public body, the extent to which the county or city in which the recipient public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean body of water sought to be protected by the water pollution control facilities or activities that would be partially financed by the grant or loan; and

(7) The level of local fiscal effort by household ratepayers since 1972 in financing water pollution control facilities.

When allocating moneys in the account for water pollution control activities, the department shall take into consideration subsections (1), (3), (4), (5), (6), and (7) of this section.

Within two years after the Puget Sound water quality authority has made its recommendations on nonpoint pollution, no grant or loan, or distribution of grant or loan moneys, may be made to any public body located within a county from which nonpoint pollution enters Puget Sound unless the director of the department of ecology finds that the Puget Sound water quality authority's recommendations on nonpoint pollution have been implemented by each public entity within the county, to the extent that the entity has the implementing authority.

NEW SECTION, Sec. 7. A state-wide property tax is hereby annually imposed at a rate equal to twenty-five cents per thousand dollars of assessed valuation adjusted to the state equalized ratio fixed by the department of revenue to be used exclusively for purposes provided for in this chapter. Receipts from this tax shall be placed directly in the 1985 water pollution control account. This property tax shall be imposed in 1985 for collection in 1986, and thereafter through the 1994 taxes to be collected in 1995. This property tax shall be in addition to the state property tax imposed in RCW 84.52.043.

NEW SECTION, Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 9. A new section is added to chapter 84.55 RCW to read as follows:

This chapter does not apply to the first levy under section 7 of this act.

NEW SECTION, Sec. 10. A new section is added to chapter 84.52 RCW to read as follows:

The tax imposed under section 7 of this act is not subject to the limitations imposed under RCW 84.52.043.

NEW SECTION, Sec. 11. There is appropriated from the 1985 water pollution control account to the department of ecology for the biennium ending June 30, 1987, the sum of sixty-three million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and making an appropriation.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Bottiger moved that the Senate do concur in the House amendments to Third Substitute Senate Bill No. 3827.

Debate ensued.

Vice President Pro Tempore Rasmussen assumed the chair.

Further debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate concur in the House amendments to Third Substitute Senate Bill No. 3827.

## ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the Senate did not concur in the House amendments to Third Substitute Senate Bill No. 3827 by the following vote: Yeas, 6; nays, 40; absent, 1; excused, 2.

Voting yea: Senators Bottiger, Goltz, Kreidler, McDermott, Rinehart, Williams - 6.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 40.

Absent: Senator Pullen - 1.

Excused: Senators McCaslin, von Reichbauer - 2.

## MOTION

On motion of Senator Bottiger, the Senate refuses to concur in the House amendments to Third Substitute Senate Bill No. 3827 and asks the House to recede therefrom.

## PERSONAL PRIVILEGE

Senator Kiskaddon: "A point of personal privilege. Mr. President. I have on my desk a Report of a Conference Committee on House Bill No. 131 and I assume that the conference committee must have met sometime before 9:30 this evening. I am a member of that conference committee and I feel very frustrated that I was not asked to attend the meeting. To be able to go out with four out of six signatures or something like that is one thing, but to not even be invited to the committee meeting, I do not believe is an appropriate way to run this body and I would hope that in any time in the future when I am put on a conference committee that I'm invited to the meeting."

## REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Rasmussen: "Your point is recorded, but I think possibly you were not around. I should say further, Senator Kiskaddon, that if they do have two from each house on there that they have complied with the rules."

Senator Kiskaddon: "You don't have to invite the whole conference committee together, that four out of six is all you have to have for a meeting?"

Vice President Pro Tempore Rasmussen: "They would be nice if they did, but it frequently happens that they don't invite people."

Senator Kiskaddon: "I still believe that that is not a good way of doing business."

Vice President Pro Tempore Rasmussen: "Thank you, Senator Kiskaddon. It would be courteous if they had let you know that they were going to meet. I agree."

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE JOINT RESOLUTION NO. 23 and has granted the powers of Free Conference, and the Report of the Free Conference Committee and the bill are herewith transmitted.

SHARON L. CASE, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE JOINT RESOLUTION NO. 23, authorizing ad valorem taxing districts for public improvements, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass:

(See Report of Conference Committee on House Joint Resolution No. 23, read in on April 26, 1985)

Signed by Senators Goltz and McManus; Representatives McMullen, Tanner and Dobbs.

## MOTION

Senator Warnke moved that the Senate adopt the Report of the Free Conference Committee on House Joint Resolution No. 23.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke to adopt the Report of the Free Conference Committee on House Joint Resolution No. 23.

The motion by Senator Warnke carried and the Senate adopted the Report of the Free Conference Committee on House Joint Resolution No. 23.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 23, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 23, as amended by the Free Conference Committee, and the bill failed to receive the constitutional two-thirds majority by the following vote: Yeas, 32; nays, 14; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 32.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Deccio, Johnson, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, Williams - 14.

Absent: Senator Pullen - 1.

Excused: Senators McCaslin, von Reichbauer - 2.

HOUSE JOINT RESOLUTION NO. 23, having failed to receive the constitutional two-thirds majority was declared lost.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3376 and has passed the bill as amended by the Free Conference, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3376, establishing a higher education coordinating board, have had the same under consideration and we recommend that the bill be amended as follows and that the amended bill do pass:

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3376, read in on April 26, 1985)

Signed by Senators Gaspard, Patterson and Rinehart; Representatives Sommers, Prince and Jacobsen.

## MOTION

On motion of Senator Rinehart, the Senate adopted the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3376.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3376, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3376, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Owen, Pullen - 2.

Excused: Senator McCaslin - 1.

INGROSSED SUBSTITUTE SENATE BILL NO. 3376, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

## MOTION

On motion of Senator Zimmerman, Senator Pullen was excused.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3500 and has passed the bill as amended by the Free Conference, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3500, regulating tourist and agricultural directional signs along state highways, have had the same under consideration and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

(See Report of Conference Committee on Substitute Senate Bill No. 3500, read in on April 26, 1985)

Signed by Senators Peterson, Patterson and Hansen; Representatives Zellinsky, Schmidt and Fisher.

## MOTION

On motion of Senator Peterson, the Senate adopted the Report of the Free Conference Committee on Substitute Senate Bill No. 3500.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3500, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3500, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Garrett - 1.

Absent: Senators Rinehart, Thompson - 2.

Excused: Senators McCaslin, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 3500, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 3400 and has passed the bill as amended by the Free Conference, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 25, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 3400, changing provisions relating to state mineral, oil and gas leases, have had the same under consideration and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

(See Report of Conference Committee on Engrossed Senate Bill No. 3400, read in on April 26, 1985)

Signed by Senators Owen, Patterson and Peterson; Representatives K. Wilson, Sutherland and Lundquist.

#### MOTION

On motion of Senator Owen, the Senate adopted the Report of the Free Conference Committee on Engrossed Senate Bill No. 3400.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3400, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3400, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Pullen - 2.

ENGROSSED SENATE BILL NO. 3400, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House again refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 227 and once again requests a conference thereon, and the Speaker appoints as conferees: Representatives Lux, Crane and Winsley.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Moore that the Senate adhere to its position on the amendments to Substitute House Bill No. 227 and refuse to grant the request of the House for a conference thereon.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Moore that the Senate adhere to its position and refuse to grant the request of the House for a conference on Substitute House Bill No. 227.

The motion by Senator Moore carried and the Senate adhered to its position and refused to grant the request for a conference on Substitute House Bill No. 227.

## MOTION

At 11:32 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:01 a.m. by President Pro Tempore Goltz.

## MESSAGES FROM THE HOUSE

April 27, 1985

Mr. President:

The House has receded from its position and concurs with the Senate amendments to ENGROSSED HOUSE BILL NO. 723 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 242 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 461 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 832 and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 805 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Assistant Chief Clerk

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Williams moved that the Senate reconsider the vote by which House Joint Resolution No. 23, as amended by the Free Conference Committee, failed to pass the Senate earlier today.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, what time is it?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It is 12:02 of the same working day. It's the 104th legislative day."

Senator Rasmussen: "The motion has to be made immediately on the same day and this is not the same day any longer. It is now Sunday, 12:02."

President Pro Tempore Goltz: "In accordance with many previous rulings, this motion is in order in accordance with having been placed on the same working day."

Senator Rasmussen: "It was not placed on the same working day, Mr. President, it's 12:02 and that's why I asked you what time it was."

President Pro Tempore Goltz: "The ruling is that this is the 104th day of the legislative session. The same day in which the bill failed to pass."

Senator Rasmussen: "I'm not going to challenge the chair on the ruling but the chair did say what the time was and I was a little curious about that."

President Pro Tempore Goltz: "It's been a long day."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate reconsider the vote by which House Joint Resolution No. 23, as amended by the Free Conference Committee, failed to pass the Senate.

The motion by Senator Williams carried and the Senate resumed consideration of House Joint Resolution No. 23, as amended by the Free Conference Committee, on reconsideration.

#### MOTION

On motion of Senator Vognild, further consideration of House Joint Resolution No. 23, as amended by the Free Conference Committee, on reconsideration, was deferred.

#### MOTIONS

At 12:08 a.m., Senator Vognild moved that the Senate adjourn until 9:00 a.m., daylight savings time, Sunday, April 28, 1985.

At 12:08 a.m., Senator Rasmussen moved that the Senate adjourn until 10:00 a.m., daylight savings time, Sunday, April 28, 1985.

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

There being no objection, Senator Vognild withdrew the motion to adjourn until 9:00 a.m., daylight savings time, Sunday, April 28, 1985.

#### MOTION

Senator Bottiger moved that the Rasmussen motion be amended to 9:00 a.m., daylight savings time, Sunday, April 28, 1985.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger to amend the Rasmussen motion to 9:00 a.m., daylight savings time, Sunday, April 28, 1985.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger to amend the Rasmussen motion to 9:00 a.m., daylight savings time, carried by the following vote: Yeas, 32; nays, 10; absent, 5; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Bailey, Craswell, Gaspard, Johnson, Kiskaddon, Metcalf, Moore, Rasmussen, von Reichbauer, Zimmerman - 10.

Absent: Senators Benitz, Bluechel, Guess, Hayner, Lee - 5.

Excused: Senators McCaslin, Pullen - 2.

#### MOTION

At 12:10 a.m., there being no objection, the Senate adjourned until 9:00 a.m., daylight savings time, Sunday, April 28, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ONE HUNDRED-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Sunday, April 28, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, Benitz, Cantu, Craswell, Deccio, Gaspard, Halsan, Johnson, McCaslin, McManus, Metcalf, Owen, Pullen, Rinehart and Thompson. On motion of Senator von Reichbauer, Senators Craswell, Johnson, McCaslin and Pullen were excused. On motion of Senator Vognild, Senators Bender and Gaspard were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jody McGlothlen and Gretchen Ferris, presented the Colors. Senator Sam Guess offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed REENGROSSED SENATE BILL NO. 3134, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Warnke, the appointment of Lyle Smith as a member of the Washington Horse Racing Commission was confirmed.

##### APPOINTMENT OF LYLE SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 33; absent, 10; excused, 6.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Newhouse, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Absent: Senators Bauer, Benitz, Cantu, Deccio, Halsan, McManus, Metcalf, Owen, Rinehart, Thompson - 10.

Excused: Senators Bender, Craswell, Gaspard, Johnson, McCaslin, Pullen - 6.

##### MOTION

On motion of Senator von Reichbauer, Senators Benitz and Deccio were excused.

##### MOTION

On motion of Senator Warnke, the appointment of James E. Minor as a member of the Washington High-Technology Coordinating Board was confirmed.

##### APPOINTMENT OF JAMES E. MINOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 5; excused, 8.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott,

McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Bauer, Owen, Rasmussen, Rinehart, Thompson - 5.

Excused: Senators Bender, Benitz, Craswell, Deccio, Gaspard, Johnson, McCaslin, Pullen - 8.

#### MOTION

On motion of Senator Newhouse, Senator Patterson was excused.

#### MOTION

On motion of Senator Talmadge, the appointment of Stan Taylor as a member of the Juvenile Disposition Standards Board was confirmed.

#### APPOINTMENT OF STAN TAYLOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 3; excused, 9.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bauer, Rinehart, Thompson - 3.

Excused: Senators Bender, Benitz, Craswell, Deccio, Gaspard, Johnson, McCaslin, Patterson, Pullen - 9.

#### MOTION

On motion of Senator Vognild, Senators Bauer, Rinehart and Thompson were excused.

#### MOTION

On motion of Senator Talmadge, the appointment of Robert D. Crutchfield as a member of the Washington Juvenile Disposition Standards Board was confirmed.

#### APPOINTMENT OF ROBERT D. CRUTCHFIELD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Excused: Senators Bauer, Bender, Benitz, Craswell, Deccio, Gaspard, Johnson, McCaslin, Patterson, Pullen, Rinehart, Thompson - 12.

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

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Third Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3384 and has granted said committee the powers of Free Conference, and the Third Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### THIRD REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3384, establishing a salmon and steelhead rehabilitation and enhancement policy board, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

NEW SECTION. Sec. 2. (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The director shall review and update each policy statement at least once each year.

NEW SECTION. Sec. 3. (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the director in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;
- (f) Direct applicability of any research;
- (g) Salmon advisory council recommendations;
- (h) Compatibility with federal court orders;
- (i) Coordination with the salmon and steelhead advisory commission program;
- (j) Economic impact to the state;
- (k) Technical feasibility; and
- (l) Preservation of native salmon runs.

(3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.

(4) The director shall prioritize various projects and establish a recommended implementation time schedule.

NEW SECTION. Sec. 4. Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

NEW SECTION. Sec. 5. The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

NEW SECTION, Sec. 6. As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 75.16.070, chapter 12, Laws of 1955 as amended by section 13, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.065 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure food fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of food fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists food fish or shellfish with which to stock state waters.

Sec. 8. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

(i) The department's management authority over propagated salmon;

(ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

(iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; ~~((and))~~

(iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; ~~and~~

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.-- RCW (sections 1 through 6 of this 1985 act).

(c) All facilities funded in full or in part by the salmon enhancement account shall operate at full production capacity. Facilities which drop below full production capacity shall be made available for volunteer cooperative projects under chapter 75.52 RCW or on a contract basis for private salmon propagation solely to stock state waters. The salmon advisory council shall submit to the legislature by January 1, 1986, an evaluation of each facility funded by the 1977 salmon enhancement account, and a determination as to the full production capacity of each facility based on the objective of maximizing the number, pounds, quality, survival, and other pertinent factors affecting salmon smolt released.

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council consists of ~~((thirteen)) six~~ members appointed by the governor; ~~four legislative ex officio non-voting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chairman~~~~((the director of the department of game, or the director's designee, one member of the senate to be appointed by the president of the senate, and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries)). Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).~~

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon (~~(propagation facility)~~) enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

~~((Except for the director of the department of game and legislative members.))~~ Members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

~~((The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120.))~~

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

Sec. 9. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The commission may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, removing obstructions to migratory fish, and eradicating undesirable fish. Department hatcheries shall operate at full production capacity as determined by the commission in a formal policy statement based on maximizing the number, pounds, quality, survival, and other pertinent factors affecting fish released into state waters. Facilities which fall below full production capacity after January 1, 1986, shall be made available for volunteer cooperative projects under chapter 75.52 RCW, or for private fish propagation solely to stock state waters. The commission may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

NEW SECTION. Sec. 10. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

NEW SECTION. Sec. 11. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

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

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "enhancement;" strike the remainder of the title and insert "amending RCW 75.08.065, 75.48.120, and 77.12.420; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; and declaring an emergency."

Signed by Senators Owen, Metcalf and Stratton; Representatives Sayan, Lundquist and Sutherland.

#### MOTION

Senator Vognild moved that the Third Report of the Conference Committee on Substitute Senate Bill No. 3384 be adopted and the committee be granted the powers of Free Conference.

#### PARLIAMENTARY INQUIRY

Senator McDonald: "A point of parliamentary inquiry. Which one are we on? I've got one, two, three on my desk. On the third one?"

#### REPLY BY THE PRESIDENT

President Cherberg: "On Substitute Senate Bill No. 3384, on third report."

Senator McDonald: "On third report, thank you."

The President declared the question before the Senate to be the motion by Senator Vognild to adopt the Third Report of the Conference Committee on Substitute Senate Bill No. 3384 and to grant the committee the powers of Free Conference.

The motion by Senator Vognild carried and the Third Report of the Conference Committee on Substitute Senate Bill No. 3384 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4231 and has passed the bill as amended by the Free Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4231, adjusting hunting and fishing license fees, have had the same under consideration and we recommend that Substitute Senate Bill No. 4231 be amended as follows and that the bill as amended by the Free Conference Committee do pass.

(See Report of Conference Committee on Substitute Senate Bill No. 4231, read in on April 27, 1985)

Signed by Senators Owen, Metcalf and Halsan; Representatives Sutherland, Sanders and McMullen.

## MOTION

Senator Owen moved that the Report of the Free Conference Committee on Substitute Senate Bill No. 4231 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Owen to adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 4231.

The motion by Senator Owen carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 4231 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4231, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4231, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 13; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Goltz, Guess, Halsan, Hansen, Kreidler, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 28.

Voting nay: Senators Benitz, Bluechel, Cantu, Garrett, Granlund, Hayner, Kiskaddon, Lee, Newhouse, Rasmussen, Saling, von Reichbauer, Williams - 13.

Absent: Senator McDermott - 1.

Excused: Senators Bender, Craswell, Gaspard, Johnson, McCaslin, Pullen, Rinehart - 7.

SUBSTITUTE SENATE BILL NO. 4231, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MOTION

On motion of Senator Zimmerman, Senators Lee and McDonald were excused.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Talmadge, the appointment of Janet L. Rice as a member of the Sentencing Guidelines Commission was confirmed.

## APPOINTMENT OF JANET L. RICE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 2; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Absent: Senators Benitz, Wojahn - 2.

Excused: Senators Craswell, Gaspard, Johnson, Lee, McCaslin, McDonald, Pullen, Rinehart - 8.

## MOTION

On motion of Senator Talmadge, the appointment of Norm Maleng as a member of the Sentencing Guidelines Commission was confirmed.

## APPOINTMENT OF NORM MALENG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senator Benitz - 1.

Excused: Senators Craswell, Gaspard, Johnson, Lee, McCaslin, McDonald, Pullen, Rinehart - 8.

## MOTION

On motion of Senator Talmadge, the appointment of The Honorable Judge Rosselle Pekelis as a member of the Sentencing Guidelines Commission was confirmed.

## APPOINTMENT OF THE HONORABLE JUDGE ROSSELLE PEKELIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senator Benitz - 1.

Excused: Senators Craswell, Johnson, Lee, McCaslin, McDonald, Pullen, Rinehart - 7.

## MOTION

On motion of Senator Hayner, Senator Bluechel was excused.

## MOTION

On motion of Senator Talmadge, the appointment of Donna D. Schram as a member of the Sentencing Guidelines Commission was confirmed.

## APPOINTMENT OF DONNA D. SCHRAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 4; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Benitz, Deccio, Owen, Patterson - 4.

Excused: Senators Bluechel, Craswell, Johnson, Lee, McCaslin, McDonald, Pullen, Rinehart - 8.

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

## MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SENATE BILL NO. 3426 with the following amendments:

On page 2, beginning on line 12, strike all of section 2

On page 1, line 2 of the title, after "51.52.104" strike "and 51.41.060".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Senate Bill No. 3426.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Senate Bill No. 3426.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Senate Bill No. 3426.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3426, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3426, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Barr, Benitz - 2.

Excused: Senators Bluechel, Craswell, Johnson, McCaslin, McDonald, Pullen, Rinehart - 7.

SENATE BILL NO. 3426, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 114 with the following amendments:

On page 2, after line 8, insert the following:

"(7) The classification of occupations and industries for the purpose of fixing industrial insurance premium rates:"

Renumber the remaining sections consecutively.

On page 2, line 26, after "Senate;" insert "at least"

On page 2, line 29, after "Speaker;" insert "at least"

On page 2, line 31, after "(3) The" strike "chairman" and insert "chairs".

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## MOTION

On motion of Senator Warnke the Senate concurred in the House amendments to Senate Concurrent Resolution No. 114.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 114, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 114, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senator Barr - 1.

Excused: Senators Bluechel, Craswell, Johnson, McCaslin, Pullen, Rinehart - 6.

SENATE CONCURRENT RESOLUTION NO. 114, as amended by the House, having received the constitutional majority, was declared passed.

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

#### MOTION

On motion of Senator Bender, Senator Bottiger was excused.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Gaspard, the appointment of Delores E. Teutsch as a member of the Higher Education Facilities Authority was confirmed.

#### APPOINTMENT OF DELORES E. TEUTSCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bauer, Deccio - 2.

Excused: Senators Bluechel, Bottiger, Craswell, Johnson, McCaslin, Pullen, Rinehart - 7.

#### MOTION

On motion of Senator Bender, Senator McDermott was excused.

#### MOTION

On motion of Senator Gaspard, the appointment of Harry E. Morgan as a member of the Higher Education Facilities Authority was confirmed.

#### APPOINTMENT OF HARRY E. MORGAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Deccio, McDonald - 2.

Excused: Senators Bluechel, Craswell, Johnson, McCaslin, McDermott, Pullen, Rinehart - 7.

#### MOTION

On motion of Senator Gaspard, the appointment of Leslie A. Crowe as a member of the Commission on Vocational Education was confirmed.

#### APPOINTMENT OF LESLIE A. CROWE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators McDonald, Owen - 2.

Excused: Senators Craswell, Johnson, McCaslin, McDermott, Pullen, Rinehart - 6.

## MOTION

On motion of Senator Gaspard, the appointment of Robert K. Powers as a member of the Higher Education Facilities Authority was confirmed.

## APPOINTMENT OF ROBERT K. POWERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Craswell, Johnson, McCaslin, McDermott, Pullen, Rinehart - 6.

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

## MOTION

On motion of Senator Gaspard the following resolution was adopted:

## SENATE RESOLUTION 1985-30

by Senators Gaspard, Kreidler, Stratton, Saling, Rinehart and Goltz

WHEREAS, Thurston and Lewis Counties are served by two community colleges which operate under the direction of a single board of trustees and central administration; and

WHEREAS, The issue of separate community college districts for Centralia Community College and South Puget Sound Community College has again been raised; and

WHEREAS, It is in the best interests of the two communities, the citizens served by the colleges, the faculty, staff and students, and the citizens of Washington in general that all aspects of the separation issue be thoroughly understood; and

WHEREAS, Contradictory testimony has been presented regarding the possible effects of separate districts for the two colleges; and

WHEREAS, The State Board for Community College Education is authorized by statute to exercise general control and supervision of the community college system and is the most appropriate body to ascertain the facts related to this issue;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the State Board for Community College Education be directed to prepare a report to the Senate covering the following topics: (1) Identify the similarities and differences of the communities, students, and programs associated with the two colleges; (2) Analyze the costs, management structures, morale factors, enrollment impacts, quality of educational service delivery to students, and community impacts of dividing the existing community college district; and (3) Recommend the optimum conditions that will reduce possible adverse impacts if separation is recommended; and

BE IT FURTHER RESOLVED, That the State Board for Community College Education prepare this report in consultation with faculty, students, staff, and Trustees of Centralia Community College and South Puget Sound Community College, and with the staff of the District Twelve Office; and

BE IT FURTHER RESOLVED, That the State Board for Community College Education report the results of the study to the Washington State Senate no later than January 1, 1986.

## MOTION

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

## SENATE RESOLUTION 1985-60

by Senators Wojahn, Gaspard, Rasmussen, McDermott and Sid Snyder, Secretary of the Senate

WHEREAS, The Swedish Order of Valhalla of Tacoma, Washington was founded on December 15, 1884, and the period of December 1884 to December 1985, is the One-hundredth anniversary year of its following; and

WHEREAS, Valhalla is the oldest Swedish lodge west of the Mississippi; and  
 WHEREAS, On July 30, 1886, Valhalla sponsored and entertained the captain and crew of the sailing ship Nordenskjold, the first Swedish ship to enter the Tacoma harbor; and

WHEREAS, Valhalla Lodge continued to survive through good times and bad, including a depression of 1894, when Congressman Cushman told his colleagues in Washington D.C. that economic conditions were so bad that his constituents subsisted on clams and their stomachs rose and fell with the tides; and

WHEREAS, In 1902, when there was a severe crop failure in Sweden, Valhalla Lodge organized a relief effort and raised and sent funds to Sweden; and

WHEREAS, In 1906, seven hundred persons gathered to dedicate the Lodge building erected on Thirteenth and "F" streets in Tacoma; and

WHEREAS, Valhalla Lodge has played an important role in the lives of Tacoma citizens of Swedish origin for one hundred years and has actively participated in the cultural development of the city of Tacoma and of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members, families, and friends of the Swedish Order of Valhalla of Tacoma are to be congratulated for its One-hundredth anniversary, and are wished continued success and prosperity in the future; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded by the Secretary of the Senate to the members of the Swedish Order of Valhalla.

#### MOTION

At 10:33 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:55 a.m. by President Cherberg.

#### MOTION

At 11:55 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

April 27, 1985

GA 108 ORIN C. SMITH, to the position of Director of the Office of Financial Management, appointed by the Governor on March 1, 1985, for the term ending at the Governor's pleasure, succeeding Joe Taller. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Gubernatorial Appointment No. 108 was advanced to second reading and placed on the second reading calendar.

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

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator McDermott, the appointment of Orin C. Smith as Director of the Office of Financial Management was confirmed.

## APPOINTMENT OF ORIN C. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 1; absent, 5; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, Conner, Granlund, Sellar, Zimmerman - 5.

Excused: Senator McCaslin - 1.

## MOTION

Senator Kreidler moved the appointment of Philip W. Dufford as a member of the Pollution Control Hearings Board be confirmed.

## PARLIAMENTARY INQUIRY

Senator Barr: "A point of parliamentary inquiry. It may not be a parliamentary inquiry, it's probably just a question of what is the motion before us?"

## REPLY BY THE PRESIDENT

President Cherberg: "The motion before the body is the confirmation of the appointment of Philip W. Dufford, Member, Pollution Control Hearings Board."

Senator Barr: "I will make a motion and then talk on it and after I make the motion, Mr. President, if you would please maybe rule on my motion.

"I would move that this appointment be referred to the Governmental Operations Committee."

President Cherberg: "Senator Barr has moved that Gubernatorial Appointment No. 80, Philip W. Dufford, be referred to the Governmental Operations Committee."

Senator Barr: "Thank you. That motion being in order then, I would like to bring something to the body's attention that I have mentioned to some other people throughout this session and before. I would like to remind you that the Pollution Control Hearings Board is the oversight committee of the Department of Ecology, the quasi-judicial body that sets and hears the appeals from the Department of Ecology and they are the watchdog over the Department of Ecology.

"Now, Mr. Dufford, being one of the finest men I have ever met--I know him very well and I want it to be understood that there's no reference to Mr. Dufford, but he was a lawyer in the Department of Ecology for several years and this is just not proper to move someone from the Department of Ecology--who has handled the business and the permits of the many very important matters of the state of Washington, dealing with the environment--over to then a body that probably acts on those same complaints that are appealed to them.

"Now this is, if I'm describing it properly, not good government. This body was created in 1970 and its been functioning very well as this watchdog committee and I could go on and describe the many important matters of air pollution and the permitting systems of some of the largest industries in the state and on, and on, and on. I would also like to put this confirmation process to a little test. There has been considerable discussion in the last few years about our process here of confirming. Now, between you and I and the gate post, let's use this good reason before us right now on what's right and what's wrong to take somebody from one place to another and put it to a little test and simply refer it back there, so that we will let the people of the state of Washington know that we are responsible here in this confirmation process."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Barr to refer Gubernatorial Appointment No. 80 to the Committee on Governmental Operations.

The motion by Senator Barr failed and the Senate confirmed the appointment of Philip W. Dufford as a member of the Pollution Control Hearings Board.

## APPOINTMENT OF PHILIP W. DUFFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; nays, 6; absent, 4; excused, 1.

Voting yeas: Senators Bailey, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn - 38.

Voting nays: Senators Barr, Bauer, Benitz, Craswell, Pullen, von Reichbauer - 6.

Absent: Senators Bluechel, Newhouse, Sellar, Zimmerman - 4.

Excused: Senator McCaslin - 1.

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

## MESSAGE FROM THE HOUSE

April 22, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 863 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTIONS

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 863 was returned to second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. A new section is added to chapter 43.160 RCW to read as follows:

The legislature recognizes that in order to attract new industry to the state of Washington, and to encourage significant expansion of industries already here, it is often necessary to construct or improve public works facilities. To that end, the legislature, in 1982, created the community economic revitalization board and subsequently established a program of loans and grants to political subdivisions to enable construction and improvement of such facilities. This program has made a significant contribution toward stimulating economic development within the state.

The legislature now finds that the state's economic development efforts can be further enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by sections 2 and 3 of this act. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

**NEW SECTION.** Sec. 2. A new section is added to chapter 43.160 RCW to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving the findings of the transportation commission as specified in section 3 of this act. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval of the improvements, as submitted or amended by the transportation commission as specified in section 3 of this act.

(4) The board shall notify the transportation commission of its final decision regarding any application made under this section.

**NEW SECTION.** Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to section 2 of this act from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval of the proposed improvements as submitted or amended or disapproval, to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to section 2 of this act, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

(4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to sections 2 and 3 of this act.

(5) All state highway improvements that are approved pursuant to sections 2 and 3 of this act shall be charged to the economic development account of the motor vehicle fund created by RCW 47.10.803.

Sec. 4. Section 1, chapter 316, Laws of 1981 as amended by section 1, chapter 19, Laws of 1982 and RCW 47.10.801 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2) and (3) of this section, upon the request of the Washington state transportation commission a total of four hundred (~~fifty~~) sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, (~~(1985))~~ 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122:

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in RCW 47.05.030;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in sections 2 and 3 of this act.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

Sec. 5. Section 3, chapter 316, Laws of 1981 and RCW 47.10.803 are each amended to read as follows:

The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) (a) and (b) shall be deposited in the motor vehicle fund(~~(-and)~~). The proceeds from the sale of the bonds authorized by RCW 47.10.801(1)(c) shall be deposited in the economic development account of the motor vehicle fund, hereby created. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds.

**NEW SECTION.** Sec. 6. The sum of ten million dollars, or so much thereof as may be necessary, is appropriated from the economic development account of the motor vehicle fund to the department of transportation for the biennium ending June 30, 1987, to carry out the provisions

of sections 2 and 3 of this act and RCW 47.10.801(1)(c). However, the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds, and interest earned thereon, authorized by RCW 47.10.801(1)(c) and deposited to the credit of the economic development account of the motor vehicle fund.

**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 entire act and the application of the provision to other persons or circumstances is invalid and of no further force and effect.

**NEW SECTION.** Sec. 8. Section 11, chapter 316, Laws of 1981 and RCW 47.10.810 are each hereby repealed.

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

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

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 47.10.801 and 47.10.803; adding new sections to chapter 43.160 RCW; adding a new section to chapter 47.01 RCW; repealing RCW 47.10.810; making an appropriation; and declaring an emergency."

#### MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 863, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 863, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 863, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Cantu, Craswell, Pullen, Sellar - 4.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3230 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 328, chapter 258, Laws of 1984 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than (seven hundred fifty) one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonpetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based

on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than ((one)) two thousand ((five hundred)) dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 2. Section 2, chapter 219, Laws of 1984 and RCW 46.20.599 are each amended to read as follows:

(1) Whenever any person is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer shall, at the time of arrest, confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit.

(2) Within twenty-four hours of the arrest, the arresting officer shall transmit any confiscated license or permit to the department with a report indicating the date and location of the arrest.

(3) Any temporary license issued under this section shall be dated with the same expiration date as the confiscated license or permit. A temporary license shall be valid only until the sooner of:

(a) Its expiration date; or

(b) The suspension, revocation, or denial by judicial or administrative action for any reason of the license, permit, or privilege to drive of the person holding the temporary license.

(4) The department shall return, replace, or authorize renewal of any confiscated license or permit that has not been suspended or revoked for any reason upon notification:

(a) By the law enforcement agency that made the arrest that a charge has not been filed for the offense for which the license or permit was confiscated;

(b) By the prosecuting authority of the jurisdiction in which the offense occurred that the charge has been dropped or changed to other than one for which confiscation is required under this section; or

(c) By the court in which the case has been or was to be heard that prosecution on the charge has been deferred, that the charge has been dismissed, or that the person charged has been found not guilty of the charge; or

(d) By a court that the person has been convicted of the offense for which the license or permit was confiscated, but the suspension or revocation of the license or permit has been stayed pending appeal of the conviction.

(5) If a temporary license issued under this section expires before the department receives notification under subsection (4) of this section, the department shall authorize the driver to seek renewal of the license. If the driver is qualified for renewal, the department shall issue a new temporary license with the same expiration date as the driver would have received had his or her license or permit not been confiscated.

(6) Upon receipt of a returned or replaced confiscated license from the department, the driver shall return any temporary license in his or her possession or shall sign an affidavit that the temporary license has been lost, stolen, or destroyed.

(7) No temporary license issued under this section is valid to any greater degree than the confiscated license or permit that it replaces.

(8) The department shall provide courts and law enforcement agencies with the appropriate temporary license and notice forms for use under this section.

~~((9) This section shall expire on December 31, 1985.))~~

NEW SECTION. Sec. 3.

The legislature finds that the deferred prosecution program is an alternative to punishment for persons who will benefit from a treatment program if the treatment program is provided under circumstances that do not unreasonably endanger public safety or the traditional goals of the criminal justice system. This alternative to punishment is dependent for success upon appropriate treatment and the willingness and ability of the person receiving treatment to cooperate fully with the treatment program. The legislature finds that some persons have sought deferred prosecution but have been unable or unwilling to cooperate with treatment requirements and escaped punishment because of the difficulties in resuming prosecution after significant delay due to the absence of witnesses at a later date and the congestion in courts at a later date. The legislature further finds that the deferred prosecution statutes require clarification. The purpose of sections 4 through 19 of this act is to provide specific standards and procedures for judges and prosecutors to use in carrying out the original intent of the deferred prosecution statutes.

Sec. 4. Section 1, chapter 244, Laws of 1975 1st ex. sess. as amended by section 26, chapter 47, Laws of 1982 1st ex. sess. and RCW 10.05.010 are each amended to read as follows:

((Upon arraignment)) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once in any five-year period. Separate offenses committed more than seven days apart may not be consolidated in a single program.

NEW SECTION. Sec. 5. A new section is added to chapter 10.05 RCW to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution program.

Sec. 6. Section 2, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.020 are each amended to read as follows:

(1) The ((petition)) petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by ((alcohol problems)) alcoholism, drug ((problems)) addiction, or mental problems for which the person is in need of treatment and unless treated

the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history ~~((of the person supporting the allegations))~~ and written assessment prepared by an approved alcoholism treatment facility as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) Before entry of an order deferring prosecution, a petitioner shall be advised of his rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgement of his rights; (b) a stipulation to the admissibility of the facts contained in the written police report; and (c) an acknowledgement that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he may, if he proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he seek treatment and, further, that he may seek treatment from public and private agencies at any time without regard to whether or not he is found guilty of the offense charged. He shall also be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he is innocent of the charges or sincerely believes that he does not, in fact, suffer from alcoholism, drug addiction, or mental problems.

(3) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; and (c) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 7. Section 4, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.040 are each amended to read as follows:

The facility ~~((or center))~~ to which such person is referred shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem ~~((alleged))~~ described;
- (2) Whether the problem is such that if not treated there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required; ~~((and))~~
- (4) Whether effective treatment for the person's problem is available; and
- (5) Whether the person is amenable to treatment.

Sec. 8. Section 5, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.050 are each amended to read as follows:

The facility ~~((or center))~~ shall make a written report to the court stating its findings and recommendations after the ~~((investigation and))~~ examination required by RCW 10.05.040. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (1) The type;
- (2) Nature;
- (3) Length;
- (4) A treatment time schedule; and
- (5) Approximate cost of the treatment.

The report with the treatment plan shall be filed with the court and a copy given to the ~~((defendant))~~ petitioner and ~~((defendant's))~~ petitioner's counsel. A copy of the treatment plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility making the written report shall append to the report a commitment by the treatment facility that it will provide the treatment in accordance with this chapter. The facility shall agree to provide the court with a statement every three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment plan proposed and (b) the petitioner's progress or failure in treatment. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment.

Sec. 9. Section 6, chapter 244, Laws of 1975 1st ex. sess. as amended by section 4, chapter 158, Laws of 1979 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 ~~((defendant))~~ 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 ~~((is required to be sent to the department of~~

~~licensing, an abstract~~) of the docket showing the charge and the date of ~~((defendant's))~~ petitioner's acceptance ~~((for deferred prosecution shall))~~ is required to be sent to the department of licensing. ~~((which)) an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the ((defendant's)) petitioner's acceptance for deferred prosecution on the department's driving record of the ((defendant)) petitioner. The department shall maintain the record for five years from date of entry of the order granting deferred prosecution.~~

Sec. 10. Section 7, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.070 are each amended to read as follows:

When treatment is either not recommended or not approved by the judge, or the ~~((defendant))~~ petitioner declines to accept the treatment plan, the ~~((defendant))~~ petitioner shall be arraigned on the charge.

Sec. 11. Section 8, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.080 are each amended to read as follows:

If the petition is not approved or is withdrawn before approval, evidence pertaining to or resulting from the petition and/or investigation is inadmissible in any trial on the charges, but shall be available for use after a conviction in determining a sentence.

Sec. 12. Section 9, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.090 are each amended to read as follows:

If a ((defendant)) petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the ((defendant's)) petitioner's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the ((defendant)) petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the ((defendant's)) petitioner's alleged failure to comply with the treatment plan and the ((defendant)) petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the ((defendant)) petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the ((defendant's docket shall be returned to the regular court files and the defendant shall be arraigned on the original charge)) court shall enter judgment pursuant to RCW 10.05.020.

Sec. 13. Section 10, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.100 are each amended to read as follows:

If a ((defendant)) petitioner is subsequently convicted ((in any court of an)) of a similar offense ((similar and committed subsequent to the one for which the defendant is)) while in a deferred prosecution program, upon notice the court ((in which the defendant is under deferred prosecution shall upon notice of conviction in another court)) shall remove the ((defendant's)) petitioner's docket from the deferred prosecution file and ((require the defendant to enter a plea to the original charge)) the court shall enter judgment pursuant to RCW 10.05.020.

Sec. 14. Section 11, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.110 are each amended to read as follows:

Delay in bringing a case to trial caused by a ~~((defendant))~~ petitioner requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

Sec. 15. Section 12, chapter 244, Laws of 1975 1st ex. sess. as amended by section 45, chapter 165, Laws of 1983 and RCW 10.05.120 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.

Five years from the date of the court's approval of a deferred prosecution program for an individual ((defendant)) petitioner, those ((dockets)) entries that remain in the ((special-court deferred prosecution file)) department of licensing records relating to such ((defendant)) petitioner shall be ((dismissed and the records)) removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 for subsequent offenses within a five-year period.

NEW SECTION. Sec. 16. A new section is added to chapter 10.05 RCW to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution. The court may terminate the deferred prosecution program upon violation of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution program for alcoholism shall be for a two-year period and shall include, but not be limited to, the following requirements:

- (1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;
- (2) Participation in an intensive inpatient or intensive outpatient program in a state-approved alcoholism treatment facility;

(3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

(4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;

(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

(8) All treatment within the purview of this section shall occur within or be approved by a state-approved alcoholism treatment facility as described in chapter 70.96A RCW;

(9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

NEW SECTION, Sec. 18. A new section is added to chapter 10.05 RCW to read as follows:

The prosecutor may appeal an order granting deferred prosecution on any or all of the following grounds:

(1) Prior deferred prosecution has been granted to the defendant within five years;

(2) Failure of the court to obtain proof of insurance or a treatment plan conforming to the requirements of this chapter;

(3) Failure of the court to comply with the requirements of RCW 10.05.100;

(4) Failure of the evaluation facility to provide the information required in RCW 10.05.040 and 10.05.050, if the defendant has been referred to the facility for treatment. If an appeal on such basis is successful, the trial court may consider the use of another treatment facility.

NEW SECTION, Sec. 19. A new section is added to chapter 10.05 RCW to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

(1) If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every six months request from the department of licensing an abstract of the petitioner's driving record; and

(2) At least once every month make contact with the petitioner or with any agency to which the petitioner has been directed for treatment as a part of the deferral.

NEW SECTION, Sec. 20. A new section is added to chapter 66.28 RCW to read as follows:

No liquor manufacturer, importer, wholesaler, retailer, agent thereof, or campus representative of any of the foregoing, may conduct promotional activities for any liquor product on the campus of any college or university nor may any such entities engage in activities that facilitate or promote the consumption of alcoholic beverages by the students of the college or university at which the activity takes place. This section does not prohibit the following:

(1) The sale of alcoholic beverages, by retail licensees on their licensed premises, to persons of legal age and condition to consume alcoholic beverages;

(2) Sponsorship of broadcasting services for events on a college or university campus;

(3) Liquor advertising in campus publications; or

(4) Financial assistance to an activity and acknowledgment of the source of the assistance, if the assistance, activity, and acknowledgment are each approved by the college or university administration.

Sec. 21, Section 11, chapter 260, Laws of 1981 as amended by section 1, chapter 165, Laws of 1983 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a ((chemical)) test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her 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.

The test or tests 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 upon the public highways of this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the 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 his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test. The officer shall warn the driver that his refusal to take the test may be used against him in any subsequent criminal trial if the court determines that the fact of refusal is admissible.

Unless the person to be tested is unconscious, the ((chemical)) 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. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him 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.

(3) If, following his or her arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a ((chemical)) test of his or her breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of one year after the date of the alleged violation or for two years if it is the second such refusal in a five-year period, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as directed in this section, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving the notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of the hearing for the purposes of this section 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 upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance 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.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident'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. 22. Section 11, chapter 260, Laws of 1981 as last amended by section 2, chapter 165, Laws of 1983 and by section 21 of this act and RCW 46.20.308 are each reenacted and 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 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 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. The

officer shall inform the person of his or her right to refuse the 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, (b) that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, or a concentration of the equivalent of 0.10 gram or more of alcohol per two hundred ten liters of his or her breath, and (c) that his or her refusal to take the test may be used against him or her in a subsequent criminal trial if the court determines that the fact of refusal is admissible.

(3) Except as provided in this subsection and subsection (4) of 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 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 of his or her breath, no test shall be given except as authorized under subsection (3) or (4) of this section.

Sec. 23. Section 1, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if he drives a vehicle within this state while:

(1) He has 0.10 percent or more by weight of alcohol in his blood, or the equivalent of 0.10 gram or more of alcohol per two hundred ten liters of breath, as shown by ~~((chemical))~~ analysis of his breath, blood, or other bodily substance made under RCW 46.61.506 as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 24. Section 2, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.504 are each amended to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he has actual physical control of a vehicle within this state while:

(1) He has a 0.10 percent or more by weight of alcohol in his blood, or the equivalent of 0.10 gram or more of alcohol per two hundred ten liters of breath, as shown by ~~((chemical))~~ analysis of his breath, blood, or other bodily substance made under RCW 46.61.506, as now or hereafter amended; or

(2) He is under the influence of or affected by intoxicating liquor or any drug; or

(3) He is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway.

Sec. 25. Section 3, chapter 1, Laws of 1969 as last amended by section 5, chapter 176, Laws of 1979 ex. sess. and RCW 46.61.506 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by ~~((chemical))~~ analysis of his blood, breath, or other bodily substance is less than 0.10 percent by weight of alcohol in the person's blood, or the equivalent of 0.10 gram or more of alcohol per two hundred ten liters of breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood. The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not

be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) ~~((Chemical))~~ Tests or analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a ~~((chemical))~~ test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a ~~((chemical))~~ test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 26. Section 27, chapter 165, Laws of 1983 and RCW 46.61.517 are each amended to read as follows:

The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial without any comment ~~((and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal))~~.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except for section 1 of this act, which shall take effect July 1, 1985, and section 22 of this act, which shall take effect January 1, 1986."

On line 3 of the title, after "10.05.110," strike "and"

On line 3 of the title, after "10.05.120" and before the semicolon, insert "46.20.308, 46.61.502, 46.61.504, 46.61.506, and 46.61.517"

On line 3 of the title, after the semicolon, insert "reenacting and amending RCW 46.20.308;"

On line 6 of the title, after "providing" strike "an effective date" and insert "effective dates".

the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3230.

#### POINT OF ORDER

Senator Halsan: "A point of order, Mr. President. I would like to raise the question of scope and object on the basis of the House amendments to Engrossed Senate Bill No. 3230."

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Senate Bill No. 3230 was deferred.

President Pro Tempore Goltz assumed the chair.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3799 with the following amendments:

On page 1, beginning on line 5, strike all material down through line 36 on page 2 and insert the following:

"Sec. 1. Section 5, chapter 207, Laws of 1961 as last amended by section 1, chapter ... (E2SHB 3), Laws of 1985 and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop a state-wide radiological baseline beginning with the establishment of a baseline for the Hanford reservation;

(c) Implement an independent state-wide program to monitor ionizing radiation emissions from radiation sources within the state;

(d) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

~~((e))~~ (e) Conduct environmental radiation monitoring programs which will determine the presence and significance of radiation in the environment and which will verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington and by radioactive materials licensees at their installations;

(f) Formulate, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

~~((g))~~ (g) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

~~((e))~~ (h) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

~~((f))~~ (i) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation, including the collection of statistical data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation;

~~((g))~~ (j) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon;

~~((h))~~ (k) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

(5) In order to avoid duplication of efforts, the agency may acquire the data requested under this section from public and private entities that possess this information.

On page 3, line 30, after "fee" insert "as an added charge on each cubic foot of low level radioactive waste disposed of at the disposal site in this state"

On page 3, line 32, after "agency" insert "which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fee shall not exceed three percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for the state closure fund, and the tax collected pursuant to chapter 82.04 RCW"

On page 4, after line 4, insert the following:

"(4) The agency shall submit a report to the legislature and the governor on or before the start of the 1986 regular session of the legislature. The report shall specify the radiation control activities required in this 1985 act, the cost of each activity and the source of the funding for each activity including federal assistance and the fees authorized by this 1985 act."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3799.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3799, as amended by the House.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3799, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Newhouse, Pullen, Sellar, von Reichbauer, Zimmerman - 18.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3799, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Vognilid, the Senate advanced to the ninth order of business.

## APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Bottiger, Hayner, Fleming, Sellar, Peterson and Guess as a special committee to escort the Honorable and Mrs. John A. Cherberg to the rostrum.

## MOTION

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

## SENATE RESOLUTION 1985-72

by Senators McDermott, Fleming, Rasmussen, Bottiger, Garrett, Goltz, Hansen, Conner, Vognilid, Talmadge, Rinehart, Granlund, Warnke, Kreidler, Halsan, DeJarnatt, McManus, Thompson, Bauer, Williams, Gaspard, Peterson, Owen, Moore, Wojahn, Bender, Stratton, Guess, Lee, Hayner, Cantu, Johnson, Deccio, Zimmerman, Benitz, Kiskaddon, Barr, Bailey, Saling, Sellar, McCaslin; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant At Arms

WHEREAS, The Honorable Lieutenant Governor John A. Cherberg serves with poise and unassailable dignity and grace as President of the Washington State Senate, and has so served since January 16, 1957; and

WHEREAS, Governor Cherberg's distinguished tenure as the able and popular presiding officer and parliamentarian of the Washington State Senate represents the longest and most laudable continuous period of service as Lieutenant Governor by any person in the history of the United States; and

WHEREAS, Governor Cherberg's firm yet fair hand is evident in his cogent and unimpeachable rulings in the Senate and his dealings with all members of the legislature; and

WHEREAS, The indefatigable John A. Cherberg has served as acting Governor of the great State of Washington for more than four years in the absence of five sitting Governors; and

WHEREAS, Lieutenant Governor Cherberg's outstanding and inspiring record of service to the citizens of the State of Washington dates back to his teaching career at Seattle's Cleveland High School in 1934 and incorporates eight highly successful years at Queen Anne High School and ten diligent and illustrious seasons with the

University of Washington Husky football coaching staff, including three years as head football coach; and

WHEREAS, The incomparable and eloquent mark of Lieutenant Governor John A. Cherberg is indelibly engraved in the history of the great State of Washington, in the minds of the citizens of the Evergreen State, and in memories of past legislative sessions and in the dreams of future legislative sessions; and

WHEREAS, John A. Cherberg will always hold a revered place in the hearts of Senate members and staff; and

WHEREAS, The Washington State Senate wishes to assure that the name "John A. Cherberg" never be forgotten;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Director of General Administration is hereby directed to rename the building currently referred to as the Public Lands Building, the John A. Cherberg Building; and

BE IT FURTHER RESOLVED, That all appropriate Senate stationery reflect the name change as soon as it is economically possible; and

BE IT FURTHER RESOLVED, That this resolution be forwarded to Mrs. Betty Cherberg, the Lieutenant Governor's lovely wife; and to the Honorable Booth Gardner, Governor of the State of Washington; The Honorable Brian Boyle, Commissioner of Public Lands for the State of Washington; and Mr. Richard Virant, Director of the Department of General Administration.

With permission of the Senate, business was suspended to permit the Senators and Mrs. Betty Cherberg and the Lieutenant Governor to address the Senate.

The committee of honor escorted the Honorable and Mrs. John A. Cherberg from the Senate Chamber and the committee was discharged.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 26, 1985

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3120 and again asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator Hansen moved that the Senate do concur in the House amendments to Senate Bill No. 3120.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Senate Bill No. 3120.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Senate Bill No. 3120 on a rising vote.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3120, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Conner, Deccio, DeJarnatt, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Vognild, Zimmerman - 27.

Voting nay: Senators Bender, Bluechel, Cantu, Craswell, Fleming, Garrett, Gaspard, Halsan, Lee, McDermott, Moore, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 20.

Absent: Senator Bottiger - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 3120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 660 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

Senator Peterson moved that the Senate recede from the Senate amendments on page 1, line 15, and page 1, line 1, and adhere to its position on its amendment on page 1, line 12, to Substitute House Bill No. 660.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Peterson that the Senate recede from its amendments on page 1, lines 1 and 15, and to adhere to its position regarding the amendment on page 1, line 12, to Substitute House Bill No. 660.

The motion by Senator Peterson carried and the Senate receded from its amendments on page 1, lines 1 and 15, and adhered to its position to the amendment on page 1, line 12.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 660 without the Senate amendments on page 1, lines 1 and 15, and with the amendment on page 1, line 12.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 660, without the Senate amendments on page 1, lines 1 and 15, and with the amendment on page 1, line 12, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goliz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 37.

Voting nay: Senators Barr, Cantu, Craswell, Kiskaddon, McDonald, Metcalf, Pullen, Saling, Wojahn - 9.

Absent: Senators Bluechel, Kreidler - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 660, without the Senate amendments on page 1, lines 1 and 15, but with the Senate amendment on page 1, line 12, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

Under suspension of the rules, the House adopted the Second Report of the Free Conference Committee on SENATE BILL NO. 3066 and passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SECOND REPORT OF FREE CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, modifying provisions relating to gambling, have had the same under consideration and we recommend that the House amendment as amended by the Free Conference Committee as follows be adopted and the bill do pass as amended by the Free Conference Committee.

On page 3 of the House amendment, beginning on line 1 strike ~~"(which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and)"~~ and insert "which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and"

On page 6 of the House amendment, beginning on line 31, after "premises," strike everything down through and including "However, the" on page 7, line 3 and insert "The"

Signed by Senators Warnke and Moore; Representatives Wang, R. King and Patrick.

#### MOTION

Senator Warnke moved that the Second Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066 be adopted.

#### POINT OF INQUIRY

Senator Pullen: "This is a gambling bill and I'm always a little worried when a gambling bill was passed under the suspension of the rules. Perhaps Senator Warnke could explain why there is a suspension of the rules in the House and what the significance of that was and does it affect us here in the Senate in any way."

Senator Warnke: "Thank you, Mr. President. The first report that came over still had in it the bingo and commercial stimulant. After consideration with the committee again, the bingo was removed and sent back to the House. When the House had the report, they suspended the rules so they could amend their report for the second report to remove the stimulant and sent it back, so it was two actions, Senator Pullen, and so they had to suspend the rules for the second action."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Warnke, you glossed over the trade stimulant and I really want to know what the wording is. Is it the same as on this pink copy where the gambling and card rooms can only be engaged in card rooms as a trade stimulant and not to make money?"

Senator Warnke: "That's right. When the bill went over, we had said commercial stimulant to determine businesses with a Class B or H liquor licenses--that they did not have to consider the trade stimulant in gambling. The language has been restored now that it is still the commercial stimulant--is incidental as a portion of the Class B and C licenses."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke that the Second Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066 be adopted.

The motion by Senator Warnke carried and the Second Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3066 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3066, as amended by the Free Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3066, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 2; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Haisan, Hansen, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Pullen, Rasmussen, Rinehart, Saling, Zimmerman - 18.

Absent: Senators McDermott, Sellar - 2.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

Under suspension of the rules, the House adopted the Third Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3384 and passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## THIRD REPORT OF FREE CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3384, establishing a salmon and steelhead rehabilitation and enhancement policy board, have had the same under consideration and we recommend that Substitute Senate Bill No. 3384 be amended as follows and that the bill as amended by the Free Conference Committee do pass.

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

**NEW SECTION.** Sec. 2. (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The director shall review and update each policy statement at least once each year.

**NEW SECTION.** Sec. 3. (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the director in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;

(f) Direct applicability of any research;

(g) Salmon advisory council recommendations;

(h) Compatibility with federal court orders;

(i) Coordination with the salmon and steelhead advisory commission program;

(j) Economic impact to the state;

(k) Technical feasibility; and

(l) Preservation of native salmon runs.

(3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.

(4) The director shall prioritize various projects and establish a recommended implementation time schedule.

NEW SECTION. Sec. 4. Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

NEW SECTION. Sec. 5. The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

NEW SECTION. Sec. 6. As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 75.16.070, chapter 12, Laws of 1955 as amended by section 13, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.065 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure food fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of food fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists food fish or shellfish with which to stock state waters.

Sec. 8. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

(i) The department's management authority over propagated salmon;

(ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

(iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; ~~((and))~~

(iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; and

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.-- RCW (sections 1 through 6 of this 1985 act).

(c) All facilities funded in full or in part by the salmon enhancement account shall operate at full production capacity. Facilities which drop below full production capacity shall be made available for volunteer cooperative projects under chapter 75.52 RCW or on a contract basis for private salmon propagation solely to stock state waters. The salmon advisory council shall submit to the legislature by January 1, 1986, an evaluation of each facility funded by the 1977 salmon enhancement account, and a determination as to the full production capacity of each facility based on the objective of maximizing the number, pounds, quality, survival, and other pertinent factors affecting salmon smolt released.

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council

consists of ((thirteen)) six members appointed by the governor; four legislative ex officio non-voting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chairman((; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries)). Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon ((propagation facility)) enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

((Except for the director of the department of game and legislative members.)) Members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

((The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120.))

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

Sec. 9. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The commission may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, removing obstructions to migratory fish, and eradicating undesirable fish. Department hatcheries shall operate at full production capacity as determined by the commission in a formal policy statement based on maximizing the number, pounds, quality, survival, and other pertinent factors affecting fish released into state waters. Facilities which fall below full production capacity after January 1, 1986, shall be made available for volunteer cooperative projects under chapter 75.52 RCW, or for private fish propagation solely to stock state waters. The commission may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

NEW SECTION. Sec. 10. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

NEW SECTION. Sec. 11. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

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

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "enhancement," strike the remainder of the title and insert "amending RCW 75.08.065, 75.48.120, and 77.12.420; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; and declaring an emergency."

Signed by Senators Owen, Metcalf, Stratton; Representatives Soryan, Lundquist and Sutherland.

## MOTION

Senator Owen moved that the Third Report of the Free Conference Committee on Substitute Senate Bill No. 3384 be adopted.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Owen that the Third Report of the Free Conference Committee on Substitute Senate Bill No. 3384 be adopted.

The motion by Senator Owen carried and the Third Report of the Free Conference Committee on Substitute Senate Bill No. 3384 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3384, as amended by the Free Conference Committee.

Debate ensued.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3384, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bauer - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 3384, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3927 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 46.20.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 61, Laws of 1979 and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle over and upon the public highways of this state in connection with farm work, the director may issue a limited driving permit containing a photograph to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother, or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit authorizes the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of ~~((one))~~ three dollars for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the ~~((traffic))~~ highway safety ~~((education account in the general))~~ fund.

The director may transfer this permit from one farming locality to another, but this does not constitute a renewal of the permit.

The director may deny the issuance of a juvenile agricultural driving permit to any person whom the director determines to be incapable of operating a motor vehicle with safety to himself or herself and to persons and property.

The director may suspend, revoke, or cancel the juvenile agricultural driving permit of any person when in the director's sound discretion the director has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director may suspend, cancel, or revoke a juvenile agricultural driving permit when in the director's sound discretion the director is satisfied the restricted character of the permit has been violated.

Sec. 2. Section 8, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 63, Laws of 1979 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 ~~((two))~~ seven dollars ~~((and fifty cents))~~. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every ~~((said))~~ such application shall state the full name, date of birth, sex, and 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 ~~((PROVIDED, HOWEVER, THAT))~~ 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. 3. Section 4, chapter 155, Laws of 1969 ex. sess. as last amended by section 2, chapter 92, Laws of 1981 and RCW 46.20.117 are each amended to read as follows:

(1) The department shall issue "identicards ~~((;))~~", containing a picture, to nondrivers for a fee of ~~((three))~~ five dollars ~~((such fee shall be deposited in the highway safety fund; PROVIDED, THAT))~~. However, the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. The fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence ~~((commensurate to))~~ as required by the ~~((regulations))~~ rules adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver's license. The identocard shall be valid for five years.

(2) The department may cancel an "identocard" upon a showing by its records or other evidence that the holder of such "identocard" has committed a violation relating to "identicards" defined in RCW 46.20.336.

Sec. 4. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 6, chapter 61, Laws of 1979 and RCW 46.20.120 are each amended to read as follows:

No new driver's license may be issued and no previously issued license may be renewed until the applicant therefor has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of ~~((three))~~ ten dollars shall be paid by each applicant, in addition to the fee charged for issuance of the license. A new license is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is outside the state at the time his or her driver's license expires or who is unable to renew the license due to any incapacity may renew the license within sixty days after returning to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 5. Section 46.20.200, chapter 12, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.200 are each amended to read as follows:

~~((in the event that))~~ (1) If an instruction permit, identocard, or a driver's license ~~((shall be))~~ is lost or destroyed, the person to whom ~~((the same))~~ it was issued may obtain a duplicate

~~((thereof))~~ of it upon furnishing proof of such fact satisfactory to the department ~~((without reexamination upon))~~ and payment of a fee of ~~((two))~~ six dollars ~~((and fifty cents))~~ to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of five dollars and surrender of the permit, identicard, or driver's license being replaced.

Sec. 6. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 325, chapter 258, Laws of 1984 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 of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, 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))~~ thirty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under RCW 46.20.610(1) (a) or (b), the reinstatement fee shall be ~~((fifty))~~ sixty 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; (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; or (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. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of ~~((twenty))~~ thirty 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 fee shall be ~~((fifty))~~ sixty dollars. 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. A resident without a license or permit whose license or permit was denied under RCW 46.20.610 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 fee of ~~((twenty))~~ thirty 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 fee shall be ~~((fifty))~~ sixty dollars.

Sec. 7. Section 46.20.380, chapter 12, Laws of 1961 as last amended by section 12, chapter 61, Laws of 1979 and RCW 46.20.380 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((ten))~~ twenty-five dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 8. Section 4, chapter 20, Laws of 1967 ex. sess. as amended by section 3, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.470 are each amended to read as follows:

There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement nor more than three dollars for subsequent endorsement renewals. The ~~((said))~~ fee shall be deposited in the highway safety fund.

Sec. 9. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 2, chapter 77, Laws of 1982 and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which is not refundable. The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than four dollars for the initial or new category examination nor more than two dollars for a subsequent renewal examination. ~~((One))~~ Two dollars of the initial or

new category examination fee and ~~((one)) two~~ dollars of any subsequent fee for a renewal shall be deposited in the motorcycle safety education account of the highway safety fund.

Sec. 10. Section 3, chapter 77, Laws of 1982 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue an instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcycle instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcycle instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with an instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.

Sec. 11. Section 5, chapter 169, Laws of 1963 as last amended by section 63, chapter 136, Laws of 1979 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall ~~((a))~~ indicate the total number of vehicles involved~~((;)),~~ whether the vehicles were legally parked or moving, and~~((;))~~ whether ~~((such))~~ the vehicles were occupied at the time of the accident; and ~~((b))~~ contain reference to any convictions of ~~((said))~~ the person for violation of the motor vehicle laws as reported to the department~~((-and)),~~ reference to any findings that the person has committed a traffic infraction which have been reported to the department~~((;)),~~ and a record of any vehicles registered in the name of ~~((such))~~ the person. The department shall collect for each abstract the sum of ~~((one)) three~~ dollars ~~((and fifty cents))~~ which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of ~~((one)) three~~ dollars ~~((and fifty cents))~~ which shall be deposited in the highway safety fund.

Sec. 12. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130 are each amended to read as follows:

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

The abstract ~~((herein))~~ provided to an insurance company shall have excluded ~~((therefrom))~~ from it any information pertaining to any occupational driver's license when the ~~((same))~~ license is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during ~~((such))~~ that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information

pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each ~~((such))~~ abstract the sum of ~~((one))~~ three dollars ~~((fifty cents))~~ which shall be deposited in the highway safety fund.

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

Any employer or prospective employer receiving ~~((such))~~ the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information ~~((therein))~~ contained in it to a third party.

Any violation of this section ~~((shall be))~~ is a gross misdemeanor.

Sec. 13. Section 4, chapter 25, Laws of 1965 as last amended by section 3, chapter 245, Laws of 1981 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

~~((2))~~ ~~((One dollar and forty cents of each fee collected for a temporary instruction permit shall be deposited in the traffic safety education account in the general fund.~~

~~((3))~~ Out of each fee of fourteen dollars collected for a driver's license, the sum of ten dollars and twenty cents shall be deposited in the highway safety fund, and three dollars and eighty cents shall be deposited in the general fund.

~~((Out of each fee of seven dollars collected for any two-year license renewal during the period July 1, 1981, through June 30, 1983, the sum of five dollars and ten cents shall be deposited in the highway safety fund and one dollar and ninety cents shall be deposited in the general fund.))~~

NEW SECTION. Sec. 14. Section 51, chapter 145, Laws of 1967 ex. sess., section 2, chapter 155, Laws of 1969 ex. sess., section 1, chapter 191, Laws of 1975 1st ex. sess., section 148, chapter 158, Laws of 1979 and RCW 46.20.115 are each repealed.

Sec. 15. Section 19, chapter 121, Laws of 1965 ex. sess. as amended by section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all ~~((accident))~~ reports of accidents in which the driver was found to be at fault and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions, the findings that he has committed a traffic infraction, the traffic accidents in which he has been ~~((involved))~~ found to be at fault by a civil proceeding, a criminal conviction, or a finding that he has committed a traffic infraction, and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

Sec. 16. Section 2, chapter 11, Laws of 1979 as last amended by section 1, chapter 30, Laws of 1981 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of ~~((three))~~ five hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns.

~~((2))~~ ~~((If such accident was not investigated by a law enforcement officer.))~~ The original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) ~~((If such accident was investigated by a law enforcement officer, the original of each driver's report required by subsection (1) of this section shall be retained by the local law enforcement agency where the accident occurred, and the second copy shall be forwarded to the department of licensing at Olympia, Washington.~~

(4) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(5)) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required ~~((hereunder))~~ under this section, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol, and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 17. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 99, Laws of 1984 and RCW 46.52.120 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each report of an accident ((reported relating to)) in which such individual was found to be at fault by a civil proceeding, a criminal conviction, or a finding that the driver has committed a traffic infraction, along with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The case record shall be maintained in two parts.

(a) One part shall be the employment driving record of the person. This part shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another or an owner-operator and in which the person is found to be at fault in accordance with subsection (1) of this section, all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another or an owner-operator, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another or an owner-operator. The same reports shall be entered when the person is a law enforcement officer or fire fighter as defined in RCW 41.26.030, or a state patrol officer, and is driving an official police, state patrol, or fire department vehicle in the course of their official duties.

(b) The other part shall include all other accidents in which the person is found to be at fault in accordance with subsection (1) of this section, convictions, and findings that the person has committed a traffic infraction.

(3) Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(4) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 46.20.070, 46.20.091, 46.20.117, 46.20.120, 46.20.200, 46.20.311, 46.20.380, 46.20.470, 46.20.505, 46.20.510, 46.29.050, 46.52.130, 46.68.041, 46.20.171, 46.52.030, and 46.52.120; repealing RCW 46.20.115; declaring an emergency; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

Senator Peterson moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3927.

Senator Sellar moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3927.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the positive motion by Senator Sellar that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3927.

The motion by Senator Sellar carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3927.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3927, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3927, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 14; nays, 34; excused, 1.

Voting yea: Senators Barr, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Hansen, Johnson, Kiskaddon, Kreidler, Metcalf, Owen, Sellar, Zimmerman - 14.

Voting nay: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Craswell, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3927, as amended by the House, having failed to receive the constitutional majority, was declared lost.

#### PERSONAL PRIVILEGE

Senator Peterson: "A point of personal privilege. Mr. President and members of the Senate. I hope everybody on this floor recognizes and realizes what we just did. We closed a number of drivers' license stations across the state as a result of the action we just took. I hope you will recognize this when we come back here in 1986, when you don't have a drivers' license station in the respective districts from which they are going to have to be closed. We have given the insurance companies another big break. They are going to be drawing abstracts at a dollar and fifty cents and the taxpayers are going to be paying a dollar and fifty cents subsidy for every abstract they ask for, and the result is going to be primarily in the drivers' license stations.

"You can rest assured that we are going to be back here, I am sure, next January and some of you that voted along with the great relief bill for the insurance companies will probably rue the day that you did it and next year we'll probably have to make up that difference."

#### PERSONAL PRIVILEGE

Senator Sellar: "I don't think the former speaker was really speaking on personal privilege, but I would ask the same courtesy.

"I guess you would have to go back and look at the 'aye' votes on that and the 'aye' votes were saying let's charge the insurance companies what it cost to produce that document to them and that's what the 'aye' votes say, and the 'no' votes say 'no' that we're not going to do that, so I just want to set the record straight that those who voted 'aye' on that vote were voting to raise the insurance companies' charges to what the cost would be. The Director of Licensing testified--I have

it in my office, a tape of that, saying that the cost of producing that document is three dollars and that's what the bill did."

#### PERSONAL PRIVILEGE

Senator Hansen: "A point of personal privilege. Thank you, Mr. President. Really and truly what we have done, the insurance companies are going to laugh all the way home. They're still going to get that abstract for a dollar and a half and we're going to close all the stations in eastern Washington, like I said once before. They can make it three-fold, now they can catch us for speeding coming to Seattle to get our license, we'll have to pay a motel tax when we get over here and a gasoline tax to get here and back. It just amazes me. At least I'd rather have taken the three dollars and got the absolute cost out, but I do deplore the amount we have to raise the poor people's portion of this to help run that Department and with the insurance companies just barely paying their costs."

#### MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3354 with the following amendment:

On page 3, line 26, after "representatives" insert "and to the committees of commerce and labor of the senate and house of representatives",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

On motion of Senator Bender, Senator Fleming was excused.

Senator McDermott moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3354.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, would you explain a little more what this innocuous little amendment does?"

Senator McDermott: "Senator Kiskaddon, we are talking about Senate Bill No. 3354, floor number 125. It is a bill that has to do with the medical aid fund—putting some limits on it. The amendment the House hung on this bill on page 3, line 26 says 'not later than December 1, 1986, the Director of Labor and Industries shall provide to the committee of Ways and Means of the Senate and House a progress report. The House thought that there also should be a report to the committees of Commerce and Labor of the Senate and House of Representatives. This is all the amendment is. It requires the report to be sent to another two committees.'"

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott that the Senate concur in the House amendment to Substitute Senate Bill No. 3354.

The motion by Senator McDermott carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 3354.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3354, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3354, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Sellar - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Fleming, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 3354, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3230 and the pending House amendments deferred earlier today.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Halsan, the President finds that Engrossed Senate Bill No. 3230 is a measure relating to alcohol abuse by increasing the fines for driving while intoxicated, strengthening the deferred prosecution program and prohibiting liquor promotions on college campuses.

"The amendments proposed by the House increase the fines for driving while intoxicated, strengthen the deferred prosecution program, limit liquor promotions on college campuses and revise the implied consent law by redefining the breath alcohol content required for a 'driving while intoxicated' violation.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments proposed by the House of Representatives were ruled out of order.

#### MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 3230 and asks the House to recede therefrom.

#### MOTION

At 3:52 p.m., on motion of Senator Vognild, the Senate recessed until 4:30 p.m.

#### SECOND AFTERNOON SESSION

The Senate was called to order at 4:48 p.m. by President Pro Tempore Goltz.

#### MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 718 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 174,

SUBSTITUTE HOUSE BILL NO. 391,

SUBSTITUTE HOUSE BILL NO. 767,

SUBSTITUTE HOUSE BILL NO. 805,

SECOND SUBSTITUTE HOUSE BILL NO. 1056,

SECOND SUBSTITUTE HOUSE BILL NO. 1065,

SUBSTITUTE HOUSE BILL NO. 1190, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 174,  
 SUBSTITUTE HOUSE BILL NO. 391,  
 SUBSTITUTE HOUSE BILL NO. 767,  
 SUBSTITUTE HOUSE BILL NO. 805,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1056,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1065,  
 SUBSTITUTE HOUSE BILL NO. 1190.

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

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 3679, deferred on second reading April 27, 1985.

## SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 3679, by Committee on Transportation (originally sponsored by Senator McDermott)

Relating to general obligation bonds.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3679.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3679 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator McManus - 1.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3679, having failed to receive the constitutional majority, was declared lost.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved that the Senate reconsider the vote by which Second Substitute Senate Bill No. 3679 failed to pass the Senate.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDonald that the Senate reconsider the vote by which Second Substitute Senate Bill No. 3679 failed to pass the Senate.

The motion by Senator McDonald carried and the Senate resumed consideration of Second Substitute Senate Bill No. 3679, on reconsideration.

## MOTION

On motion of Senator Bottiger, the rules were suspended and Second Substitute Senate Bill No. 3679 was returned to second reading and read the second time.

## MOTION

Senator McDermott moved that the following amendment by Senators McDermott, Bottiger, Bluechel and Lee be adopted:

On page 7, line 9, after "of" strike "two hundred" and insert "one hundred fifty"

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDermott, Bottiger, Bluechel and Lee.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendment was adopted by the following vote: Yeas. 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Saling, Sellar, Vogniild, von Reichbauer, Williams, Zimmerman - 33.

Voting nay: Senators Bauer, Bender, Garrett, Gaspard, Halsan, Kreidler, Moore, Owen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Wojahn - 15.

Excused: Senator McCaslin - 1.

#### MOTIONS

On motion of Senator Bottiger, the following amendment by Senators Bottiger, McDermott, Bluechel and Lee was adopted:

On page 7, line 17, after "projects" insert "only if Engrossed Third Substitute Senate Bill No. 3827, 1985 Legislature, becomes law"

On motion of Senator Bottiger, the following amendment by Senators Bottiger, McDermott, Bluechel and Lee was adopted:

On page 1, line 9, after "of" strike "five hundred thirty-six" and insert "four hundred eighty-six"

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3679.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3679 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniild, von Reichbauer, Williams, Zimmerman - 39.

Voting nay: Senators Bauer, Craswell, Halsan, Kreidler, Pullen, Rasmussen, Rinehart, Warnke, Wojahn - 9.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4196 and has passed the bill as amended by the Free Conference Committee, and report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 26, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4196, providing for special programs to assist the unemployed and underemployed, have had the same under consideration and we recommend the bill be amended as follows and the bill do pass as amended.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4196 read in on April 27, 1985)

Signed by Senators Warnke and Wojahn; Representatives Wang and R. King.

## MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 be adopted.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the motion by Senator Warnke that the Senate adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196.

## ROLL CALL

The Secretary called the roll and the motion by Senator Warnke failed and the Senate did not adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

Excused: Senator McCaslin - 1.

## MOTION

Having voted on the prevailing side, Senator Stratton moved that the Senate immediately reconsider the vote by which the motion to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 failed to pass the Senate.

President Cherberg assumed the chair.

The President declared the question before the Senate to be the motion by Senator Stratton that the Senate reconsider the vote by which the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 failed to be adopted.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Stratton that the Senate reconsider the vote by which the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 failed to be adopted.

## ROLL CALL

The Secretary called the roll and the motion by Senator Stratton for reconsideration of the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196 carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

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

Excused: Senator McCaslin - 1.

The Senate resumed consideration of the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4196, on reconsideration.

## MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 4196, on reconsideration, was deferred.

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

There being no objection, the Senate resumed consideration of House Joint Resolution No. 23, as amended by the Free Conference Committee, on reconsideration, which was deferred on third reading and final passage April 27, 1985.

The President declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 23, as amended by the Free Conference Committee, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 23, as amended by the Free Conference Committee, on reconsideration, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 33.

Voting nay: Senators Bailey, Cantu, Craswell, Guess, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Williams - 14.

Absent: Senator Benitz - 1.

Excused: Senator McCaslin - 1.

HOUSE JOINT RESOLUTION NO. 23, as amended by the Free Conference Committee, on reconsideration, having received the constitutional two-thirds majority, was declared passed.

President Pro Tempore Goltz assumed the chair.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3261 and has passed the bill as recommended by the Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3261, modifying the state building code, have had the same under consideration and we recommend that the House amendments be adopted and that the bill do pass with the House amendments.

Signed by Senators Thompson and Rinehart; Representatives Todd and Belcher.

## MOTION

Senator Thompson moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3261 be adopted.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Thompson that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3261, as recommended by the Conference Committee.

The motion by Senator Thompson carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3261.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3261, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3261, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Kiskaddon, Lee, McDermott, McDonald, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Wanke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Craswell, Hansen, Hayner, Johnson, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 15.

Absent: Senators Deccio, Kreidler, McManus - 3.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3261, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has failed to adopt the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 956.

DENNIS L. HECK, Chief Clerk

#### SECOND REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 956, relating to the powers of local government in relation to federal grants and programs, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.730 are each amended to read as follows:

In order to improve the administration of authorized federal grants or programs, ~~((including revenue sharing;))~~ to improve governmental efficiency~~((;))~~ and services, ~~((and;))~~ or to improve the general living conditions in the urban areas of the state, any city, town, or county ~~((utilizing federal or private funds))~~ may by lawfully adopted ordinance or resolution:

(1) Transfer to any public corporation, commission, or authority created hereunder, with or without consideration, any funds, real or personal property, property interests, or services~~((; all of which are received from the federal government or from private sources;))~~;

(2) Organize and participate in joint operations or cooperative organizations funded by the federal government when acting solely as coordinators or agents of the federal government;

(3) Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts made in connection with such agreements or as may be proper to permit an orderly readjustment by participating corporations, associations, or individuals~~((; PROVIDED, HOWEVER, That nothing herein shall be construed in a manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution;))~~;

(4) Create public corporations, commissions, and authorities to: Administer and execute federal grants or programs; ((to)) receive and administer private funds, goods, or services for any lawful public purpose; ((and to)) and perform any lawful public purpose or public function. The ordinance or resolution shall limit the liability of such public corporations, commissions, and authorities to the assets and properties of such public corporation, commission, or authority in order to prevent recourse to such cities, towns, or counties or their assets or credit.

Sec. 2. Section 5, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.745 are each amended to read as follows:

Any city, town, or county which shall create a public corporation, commission, or authority pursuant to RCW 35.21.730 or 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

Any public corporation, commission, or authority created as provided in RCW 35.21.730 may be empowered to own and sell real and personal property; to contract with individuals, associations, and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds and issue bonds and other instruments evidencing indebtedness; transfer ~~(with or without consideration);~~ any funds, real or personal property, property interests, or services ~~((received from the federal government, private sources or, if otherwise legal, from a city or county));~~ to do anything a natural person may do; and to perform all manner and type of community services ~~((utilizing federal or private funds));~~ PROVIDED, That such public corporation, commission, or authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

Sec. 3. Section 3, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.735 are each amended to read as follows:

The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for such a public corporation. The provisions of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755.

All cities, towns and counties shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend federal or private funds for any lawful public purpose.

Sec. 4. Section 4, chapter 37, Laws of 1974 ex. sess and RCW 35.21.740 are each amended to read as follows:

Powers, authorities, or rights expressly or impliedly granted to any city, town, or county or their agents under any provision of RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755 shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of any city or town implementing RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, unless so provided by contract between the city and another city or county.

Sec. 5. Section 7, chapter 37, Laws of 1974 ex. sess. as last amended by section 1, chapter 116, Laws of 1984 and RCW 35.21.755 are each amended to read as follows:

A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW ~~((35-21-725))~~ 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

NEW SECTION, Sec. 6. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in RCW 35.21.730 through 35.21.755 shall be construed in any manner contrary to the provisions of Article VIII, section 7, of the Washington state Constitution.

NEW SECTION, Sec. 7. A new section is added to chapter 35.21 RCW to read as follows:

It is the desire of the legislature that the citizens of newly incorporated cities or towns receive uninterrupted and adequate services in the period prior to the city or town government attaining the ability to provide such service levels. In addition to the services provided under RCW \_\_\_\_ (section 1, chapter 143, Laws of 1985), it is the purpose of this section to permit the county or counties in which a newly incorporated city or town is located to contract with the newly incorporated city or town for the continuation of essential services until the newly

incorporated city or town has attained the ability to provide such services at least at the levels provided by the county before the incorporation. These essential services may include but are not limited to, law enforcement, road and street maintenance, drainage, and other utility services previously provided by the county before incorporation. The contract should be negotiated on the basis of the county's cost to provide services without consideration of capital assets which do not continue to be amortized for principal and interest or depreciated by the county. The exception for not considering capital assets which are no longer amortized for principal and interest or depreciated is recognition of the preexisting financial investment of citizens of the newly incorporated city or town have made in county capital assets.

Nothing in this section limits the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section.

Sec. 8. Section 2, chapter 216, Laws of 1982 and RCW 39.50.010 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.

(1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated;

(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;

(3) "Municipal corporation" means any city, town, county, water district, sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, or fire protection district or any other municipal or quasi municipal corporation described as such by statute, except joint operating agencies under chapter 43.52 RCW;

(4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and

(5) "Short-term obligations" are warrants, notes, or other evidences of indebtedness, except bonds (~~which mature in not to exceed three years after the date thereof~~).

Sec. 9. Section 5, chapter 216, Laws of 1982 as amended by section 2, chapter 71, Laws of 1985 and RCW 39.50.040 are each amended to read as follows:

Short-term obligations may, from time to time, be renewed or refunded by the issuance of short-term obligations and may be funded by the issuance of revenue, local improvement district, special assessment, or general obligation bonds. Short-term obligations payable from taxes shall not be renewed or refunded to a date later than six months from the end of the fiscal year in which the original short-term obligation was issued. For the purpose of this section, short-term obligations issued in anticipation of the sale of general obligation bonds shall not be considered to be short-term obligations payable from taxes.

NEW SECTION. Sec. 10. Section 1, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.725 are each repealed."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 35.21.730, 35.21.745, 35.21.735, 35.21.740, 35.21.755, 39.50.010, and 39.50.040; adding new sections to chapter 35.21 RCW; and repealing RCW 35.21.725."

Signed by Senators Thompson and Fleming; Representatives Nutley, Haugen and Brough.

#### MOTION

On motion of Senator Thompson, the Second Report of the Conference Committee on Substitute House Bill No. 956 was adopted and the committee was granted the powers of Free Conference.

#### MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The House has passed HOUSE BILL NO. 660 with the Senate amendment on page 1, line 12.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 116 and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3012.  
 SUBSTITUTE SENATE BILL NO. 3146.  
 SUBSTITUTE SENATE BILL NO. 3165.  
 SENATE BILL NO. 3167.  
 SUBSTITUTE SENATE BILL NO. 3367.  
 SUBSTITUTE SENATE BILL NO. 3376.  
 SUBSTITUTE SENATE BILL NO. 3390.  
 SENATE BILL NO. 3400.  
 SENATE BILL NO. 3426.  
 SUBSTITUTE SENATE BILL NO. 3500.  
 SUBSTITUTE SENATE BILL NO. 4424.  
 SENATE CONCURRENT RESOLUTION NO. 114.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

Senator Vognild moved that all Gubernatorial Appointments as Trustees for Community College Districts on the calendar be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The President Pro Tempore declared the question before the Senate to be the roll call vote on all the Gubernatorial Appointments as Trustees for Community College Districts on the calendar.

The motion by Senator Vognild carried and the following Gubernatorial Appointments were confirmed:

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Vognild, the appointment of Marietta J. Kilmer as a member of the Board of Trustees for Peninsula Community College District No. 1 was confirmed.

## APPOINTMENT OF MARIETTA J. KILMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Jean Berkey as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

## APPOINTMENT OF JEAN BERKEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Lee Pasquarella as a member of the Board of Trustees for Seattle Community College District No. 6 was confirmed.

## APPOINTMENT OF LEE PASQUARELLA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Arland Lyons as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

## APPOINTMENT OF ARLAND LYONS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Asa Reed as a member of the Board of Trustees for Lower Columbia Community College District No. 13 was confirmed.

## APPOINTMENT OF ASA REED

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of R. L. "Dick" Schwary as a member of the Board of Trustees for Clark Community College District No. 14 was confirmed.

## APPOINTMENT OF R. L. "DICK" SCHWARY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Georgia-Mae Gallivan as a member of the Board of Trustees for Clark Community College District No. 14 was confirmed.

## APPOINTMENT OF GEORGIA-MAE GALLIVAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of T. W. Small, Jr., as a member of the Board of Trustees for Wenatchee Community College District No. 15 was confirmed.

## APPOINTMENT OF T. W. SMALL, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Cherste N. Brundage as a member of the Board of Trustees for Wenatchee Community College District No. 15 was confirmed.

## APPOINTMENT OF CHERSTE N. BRUNDAGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Judy Wiseman as a member of the Board of Trustees for Whatcom Community College District No. 21 was confirmed.

## APPOINTMENT OF JUDY WISEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Terry L. Smith as a member of the Board of Trustees for Tacoma Community College District No. 22 was confirmed.

## APPOINTMENT OF TERRY L. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Margaret H. Hays as a member of the Board of Trustees for Edmonds Community College District No. 23 was confirmed.

## APPOINTMENT OF MARGARET H. HAYS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Rhonda Hilyer as a member of the Board of Trustees for Seattle Community College District No. 6 was confirmed.

## APPOINTMENT OF RHONDA HILYER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of P. Robert Binns as a member of the Board of Trustees for Lower Columbia Community College District No. 13 was confirmed.

## APPOINTMENT OF P. ROBERT BINNS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Dale Foster as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

## APPOINTMENT OF DALE FOSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Harry Yamamoto as a member of the Board of Trustees for Big Bend Community College District No. 18 was confirmed.

## APPOINTMENT OF HARRY YAMAMOTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of M. Aleene Galloway as a member of the Board of Trustees for Columbia Basin Community College District No. 19 was confirmed.

## APPOINTMENT OF M. ALEENE GALLOWAY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

On motion of Senator Vognild, the appointment of Ramon L. Barnes as a member of the Board of Trustees for Fort Steilacoom Community College District No. 11 was confirmed.

## APPOINTMENT OF RAMON L. BARNES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## MOTION

At 5:57 p.m., on motion of Senator Vognild, the Senate recessed until 6:45 p.m.

## EVENING SESSION

The Senate was called to order at 6:45 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3029 and has granted said committee the powers of Free Conference, and said report is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3029, modifying provisions relating to the cashing of government checks by financial institutions, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. For the purposes of sections 2 through 5 of this act, "valid photo identification" means any personal photographic identification that is properly executed and lawfully issued by the government of the state of Washington or the United States to the person who negotiates the check or assigns the warrant to the financial institution.

NEW SECTION, Sec. 2. A new section is added to chapter 39.58 RCW to read as follows:

In order to qualify or act as a public depository under this chapter, a financial institution shall, upon presentation of valid photo identification and without requiring a deposit or payment of a fee in excess of a total of one dollar and fifty cents per check or warrant, cash checks or warrants issued in payment of benefits to recipients of public assistance authorized by chapter 74.04 RCW, workers compensation, unemployment compensation, or social security, or issued as refunds of federal income tax. This requirement is in addition to any other requirement imposed under this chapter.

NEW SECTION, Sec. 3. The public deposit protection commission shall adopt rules as necessary under chapter 34.04 RCW to carry out the purposes of this act."

Signed by Senators Williams and Moore; Representatives Locke and Lux.

## MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 3029 was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3630 and has granted said committee the powers of Free Conference, and said report is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3630, changing provisions relating to the Washington high-technology coordinating board, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of ~~((seventeen))~~ eighteen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) ~~((Six))~~ Seven of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, ~~((and))~~ a representative of the council for postsecondary education or its statutory successor, and the director of the department of trade and economic development or the director's designee.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 2. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee ~~((and))~~, coordinate ~~((the))~~, and evaluate high-technology ~~((education and training))~~ programs.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(b) Identify economic areas ~~((with))~~ and high-technology industries in need of technical training and research and development critical to ~~((economic renewal or))~~ economic development and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the council for postsecondary education or its statutory successor during the council's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the council for postsecondary education or its statutory successor over the review of new degree programs as established in RCW 28B.80.035;

~~((Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources))~~ Work cooperatively with the department of trade and economic development to identify the high-technology education and training needs of existing Washington businesses and businesses with the potential to locate in Washington; ((and))

(g) Work towards increasing private sector participation and contributions in Washington high-technology programs;

(h) Identify and evaluate the effectiveness of state sponsored research related to high technology;

(i) Establish and maintain a plan, including priorities, to guide high-technology program development in public institutions of higher education, which plan shall include an assessment of current high-technology programs, steps to increase existing programs, new initiatives and programs necessary to promote high technology, and methods to coordinate and target high-technology programs to changing market opportunities in business and industry;

(j) Prepare and submit to the legislature before the first day of each regular session an annual report on ((the)) Washington high-technology ((education and training)) programs including, but not limited to:

(i) An evaluation of ~~((the))~~ each program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

Sec. 3. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by the ~~(council for postsecondary education)~~ department of trade and economic development."

Signed by Senators Gaspard, Cantu and Bauer; Representatives Sommers, May and McMullen.

#### MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 3630 was adopted and the committee was granted the powers of Free Conference.

#### MOTION

At 6:53 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 7:45 p.m. by President Pro Tempore Goltz.

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House insists on its position regarding the amendments to ENGROSSED SENATE BILL NO. 3230 and asks for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Armstrong, McMullen and West.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Talmadge, the request of the House for a Conference on Engrossed Senate Bill No. 3230 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 3230, and the House amendments thereto: Senators Talmadge, Newhouse and Halsan.

#### MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

#### MOTION

On motion of Senator McDermott, the rules were suspended and the Committee on Ways and Means was relieved of further consideration of Engrossed Substitute Senate Bill No. 3654.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 25, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3654 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1987, out of the several funds specified in this act.

NEW SECTION. Sec. 2. (1) As used in this act, the following phrases have the following meanings:

- "Common School Constr Fund" means Common School Construction Fund;
- "GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;
- "GF, St Bldg Constr Acct" means General Fund—State Building Construction Account;
- "GF, St Fac Renew Acct" means State Facilities Renewal Account;
- "GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;
- "GF, ORA" means General Fund—Outdoor Recreation Account;
- "GF, Sal Enhmt Constr Acct" means General Fund—Salmon Enhancement Construction Account;
- "GF, For Dev Acct" means General Fund—Forest Development Account;
- "GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;
- "GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- "GF, DSHS Constr Acct" means General Fund—State Social and Health Services Construction Account;
- "GF, CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;
- "GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;
- "GF, WSU Bldg Acct" means General Fund—Washington State University Building Account;
- "GF, St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;
- "GF, EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;
- "GF, TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;
- "GF, Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;
- "GF, Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;
- "GF, Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;
- "GF, CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;
- "GF, UW Bldg Acct" means General Fund—University of Washington Building Account;
- "GF, St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;
- "GF, WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;
- "GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;
- "GF, Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;
- "GF, LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;
- "GF, State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;
- "GF, LIRA, Waste Fac 1980" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- "GF, LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;
- "GF, LIRA" means General Fund—State and Local Improvement Revolving Account;
- "GF, LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;
- "GF, PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;
- "GF, Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;
- "GF, H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;
- "GF, H Ed Reimb S/T Bonds Acct" means General Fund—Higher Education Reimbursable Short-Term Bonds Account;
- "MV, St Patrol Hiwy Acct" means Motor Vehicle Fund—State Patrol Highway Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

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 Washington State University, secs. 377-388  
 Western Washington State University, secs. 425-428

## PART I

## GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Archives renovation: King county (CI-86-1-004)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		95,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
73,000		168,000

NEW SECTION. Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Nondeferrable repair projects (CR-83-1-R02)

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct	107,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
469,000		576,000

NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor improvements (CR-83-R-004)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
32,000		72,000

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus conveyance system repair, phase II (CR-83-R-005)

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct	56,000	
GF. St Fac Renew Acct		852,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
137,000	1,381,000	2,426,000

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Campus roof repairs (CR-83-R-006)

	Reappropriation	Appropriation
GF. St Bldg Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
198,000		298,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol campus water distribution system repairs, phase II (CR-83-R-007)

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct	110,000	
GF. St Bldg Constr Acct		544,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
65,000	450,000	1,169,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
State library: Fire protection systems (CR-83-4-008)

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct	370,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
29,000		399,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Campus accessibility improvements, phase II (CI-83-R-013)

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct	34,000	
GF. Cap Purch & Dev Acct	50,000	
GF. St Fac Renew Acct		31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
502,000	709,000	1,326,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Energy retrofit projects (CI-83-R-015)

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct	510,000	630,000
GF. Cap Purch & Dev Acct	228,000	
GF. St Fac Renew Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
140,000	878,000	2,436,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Repairs to plaza garage (CR-83-1-020)

	Reappropriation	Appropriation
GF. Cap Purch & Dev Acct	225,000	308,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
137,000		670,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building No. 2 fire repairs and retrofit (CI-84-1-R11)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct	1,980,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,502,000		3,482,000
<u>NEW SECTION, Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Northern state multi-service center: Repairs, phase II (CR-84-R-007)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		385,000
GF, St Bldg Constr Acct	600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
465,000	2,200,000	3,650,000
<u>NEW SECTION, Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Emergency repairs (CR-86-1-001)		
	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		200,000
<u>NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Small repairs and improvements (CR-86-1-002)		
	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000
<u>NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural evaluation (CR-86-1-003)		
	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		67,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		67,000
<u>NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
State facilities routine maintenance program: Inventory and standards (CR-86-1-004)		
	Reappropriation	Appropriation
General Fund, State		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		400,000
<u>NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Capitol Lake dam repair (CR-86-1-006)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		209,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		209,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Capitol campus heating, ventilation, and air conditioning repairs (CR-86-1-009)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		250,000

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Temple of Justice renovation (CR-86-1-011)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		600,000
GF, St Fac Renew Acct		48,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	10,000,000	10,648,000

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Campus sidewalk and street repairs (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		45,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	875,000	920,000

NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Legislative Building renovation (CR-86-2-013)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		970,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,581,000	2,551,000

NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Campus roof repairs (CR-86-2-015)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		248,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	130,000	378,000

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Campus building exterior repairs (CR-86-2-016)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		190,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,500,000	1,690,000

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Campus building: Interior revisions (CI-86-1-017)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		284,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		284,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
 Campus electrical system revisions (CI-86-2-019)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		390,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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390,000

NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Capitol Lake preservation (CR-86-2-024)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	1,294,000 Estimated Total Costs

1,294,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
House Office Building remodel (CR-86-2-025)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
GF, St Bldg Constr Acct	150,000	2,764,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

4,216,000

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Dawley property acquisition (CI-86-4-027)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

390,000

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Campus irrigation repairs and landscaping (CR-86-2-030)

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

398,000

498,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Former Thurston County Courthouse renovation (CI-86-2-028)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

520,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION  
Archives Building renovation (CI-88-2-004)

GF, Cap Purch & Dev Acct	Reappropriation	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

560,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF PERSONNEL  
State employees pilot day care project

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

**NEW SECTION, Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Restoration cost analysis: McNeil Island; long-term need and cost benefit study of constructing an intensive management unit at the Washington State Reformatory (CR-86-4-L50)

	Reappropriation	Appropriation
GF. CEP & RI Acct		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		150,000

**NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT**

Repairs to headquarters building roof and heating system (CR-86-1-006)

	Reappropriation	Appropriation
GF. St Fac Renew Acct		30,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		30,000

**NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT**

Water retention structure: Green and Toutle rivers (CI-86-1-001)

	Reappropriation	Appropriation
GF. St Bldg Constr Acct		13,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		13,000,000

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

(1) The appropriation in this section shall lapse if the federal government does not appropriate and authorize a single retention structure at the Green River site on the North Fork Toutle River; and

(2) Any moneys appropriated under this section for the acquisition of lands, easements, and rights of way may be transferred to the federal government in accordance with federal law if the federal government acts on behalf of the state to acquire the necessary lands, easements, and rights of way.

**NEW SECTION, Sec. 136. FOR THE MILITARY DEPARTMENT**

Unit training equipment site (CI-84-1-001)

	Reappropriation	Appropriation
General Fund, Federal	1,429,000	324,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
9,000		1,762,000

**NEW SECTION, Sec. 137. FOR THE MILITARY DEPARTMENT**

Organizational maintenance shop (CI-84-1-002)

	Reappropriation	Appropriation
General Fund, Federal	192,000	83,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,000		276,000

**NEW SECTION, Sec. 138. FOR THE MILITARY DEPARTMENT**

Tacoma Armory structural renovation (CR-86-1-001)

	Reappropriation	Appropriation
GF. St Bldg Constr Acct	93,000	2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85	Thereafter	
212,000		2,305,000
<u>NEW SECTION, Sec. 139. FOR THE MILITARY DEPARTMENT</u>		
Watercraft support maintenance center (CI-86-1-003)		
	Reappropriation	Appropriation
General Fund, Federal		3,024,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
90,000	2,477,000	5,591,000
<u>NEW SECTION, Sec. 140. FOR THE MILITARY DEPARTMENT</u>		
Minor works (CI-86-1-005)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,040,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,174,000	3,931,000	6,145,000
<u>NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT</u>		
Facility contingency (CR-86-2-006)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		475,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
600,000	1,210,000	2,285,000
<u>NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT</u>		
South King County Armory (CI-86-3-007)		
	Reappropriation	Appropriation
General Fund, Federal	1,260,000	207,000
GF, St Bldg Constr Acct	489,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,956,000
<u>NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT</u>		
Organizational maintenance shop (CI-88-1-009)		
	Reappropriation	Appropriation
General Fund, Federal		22,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	303,000	325,000
	PART II	
	HUMAN RESOURCES	
<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Referendum 37 projects (CI-79-3-R01)		
Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps involving eleven projects, of which two are reductions in scope from prior legislative approval. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1985, and approved by March 31, 1986.		
	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	90,000
GF, LIRA, DSHS Fac		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
20,758,000		25,090,000
<u>NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Referendum 29 projects (CR-79-3-R02)		

GF, LIRA, DSHS Fac	Reappropriation	Appropriation
Project	1,200,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
100,000	Thereafter	
		1,300,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Utilities and fire safety improvements, phase IV: Fircrest (CR-79-1-R21)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	425,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
2,431,000	Thereafter	
		2,856,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Artwork for 225-bed addition, Western State Hospital (CI-79-4-005)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	75,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
21,111,000	Thereafter	
		21,186,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Construct and equip habilitation center: Lakeland Village (CI-79-R-009)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	1,400,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
18,365,000	Thereafter	
		25,227,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Evergreen Center renovation, phase IV: Rainier School (CR-79-R-017)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	2,094,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
26,586,000	Thereafter	
	10,113,000	38,793,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Multi-purpose facility: Yakima Valley School (CI-79-R-039)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	5,000,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
9,061,000	Thereafter	
		14,061,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Construct and equip new state public health laboratory (CI-81-3-R10)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	2,900,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
8,362,000	Thereafter	
		11,262,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Energy conservation program (CR-81-2-R11)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	625,000	
Costs	Estimated	Estimated
Through	Costs	Total
	7/1/87 and	Costs
	Thereafter	

	6/30/85	Thereafter	
	1,706,000		2,331,000
<u>NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Health, safety, facility, utility, and roofing: Western State Hospital (CR-81-1-033)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		475,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
1,856,000			2,331,000
<u>NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Renovation, repair, and construction related to small projects (CR-83-2-R01)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		1,300,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
1,501,000			2,801,000
<u>NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Emergency generator: Western State Hospital (CR-83-2-005)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		305,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
351,000			656,000
<u>NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Fire safety improvements: Western State Hospital (CR-83-1-006)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		225,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
64,000			289,000
<u>NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Repair and upgrade utilities: Maple Lane School (CR-83-2-007)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		562,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
47,000			609,000
<u>NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Repair and upgrade utilities: Green Hill School (CR-83-2-008)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		155,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
152,000			307,000
<u>NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Preplanning (CI-83-4-009)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct		4,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
298,000			302,000
<u>NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>			
Construct three living units: Child study and treatment center (CI-83-3-012)			

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	50,000	4,650,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
195,000	Thereafter	
		4,895,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Convert dormitories for school and gym: Frances H. Morgan (CR-83-R-015)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	375,000	27,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
2,237,000	Thereafter	
	4,175,000	6,814,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate wards: Eastern State Hospital (CR-83-R-016)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	2,900,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
394,000	Thereafter	
		3,294,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Renovate wards: Western State Hospital, phase II (CR-83-R-017)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	2,900,000	10,998,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
1,105,000	Thereafter	
		15,003,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Artwork for education building: Green Hill School (CI-83-4-020)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	10,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
1,790,000	Thereafter	
		1,800,000

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Fire safety improvements: Safety (CR-84-1-017)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	850,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
650,000	Thereafter	
		1,500,000

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Kitchen renovation and correct security safety hazards: Mission Creek (CR-84-1-033)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	24,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
36,000	Thereafter	
		60,000

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Therapy pool: Interlake School (CI-84-R-034)

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	5,000	1,281,000
Costs	Estimated	Estimated
Through	Costs	Total
	7/1/87 and	Costs
	Thereafter	

	6/30/85	Thereafter	
	25,000		1,311,000
<u>NEW SECTION</u> , Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Emergency and small repairs contingency (CR-86-1-010)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			977,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	2,000,000		2,977,000
<u>NEW SECTION</u> , Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Minor works request: Juvenile rehabilitation (CR-86-1-020)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			2,433,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,859,000		4,292,000
<u>NEW SECTION</u> , Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Minor works request: Mental health (CR-86-1-030)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			1,354,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,077,000		2,431,000
<u>NEW SECTION</u> , Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Minor works request: Developmental disabilities (CR-86-1-040)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			770,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,700,000		2,470,000
<u>NEW SECTION</u> , Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Renovate residential and training buildings: Mission Creek (CR-86-1-202)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			2,048,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			2,048,000
<u>NEW SECTION</u> , Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Construct and equip two new living units: Green Hill School: PROVIDED. That a study of future use of Green Hill School is completed prior to allotment of design funds (CR-86-1-203)			
		Reappropriation	Appropriation
GF, DSHS Constr Acct			2,600,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			2,600,000
<u>NEW SECTION</u> , Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Repair roads: Eastern State Hospital (CR-86-1-335)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			1,136,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			1,136,000
<u>NEW SECTION</u> , Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Construct and equip new building: Fircrest School (CI-86-1-403)			

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project		4,098,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		4,098,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Prepare a comprehensive programming study for the Interlake Program and various small repairs and improvements at Interlake School (CR-86-1-408)

GF, LIRA, DSHS Fac	Reappropriation	Appropriation
Project		169,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		169,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Repair and improve facilities: Omnibus (CR-81-1-R01)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project	55,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
279,000	Thereafter	
		334,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency repairs (CR-86-1-001)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		75,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		75,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Walla Walla Veterans Center (CI-86-3-002)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project	170,500	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
33,000	Thereafter	
		203,500

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor projects: Soldiers' home and veterans' home (CR-86-1-003)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		498,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		498,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Veterans' and soldiers' homes small repairs and improvements (CR-86-1-004)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		42,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		42,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Restroom renovation: Chilson Hall (CR-86-2-012)

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		14,000
Costs	Estimated	Estimated
	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
		14,000
<u>NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Water system, Washington State Reformatory (CR-83-1-006)		
	Reappropriation 604,000	Appropriation
GF. St Bldg Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
64,000		668,000
<u>NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington Corrections Center: Enlarge and remodel 600 beds (CI-83-R-029)		
	Reappropriation 2,395,000	Appropriation
GF. St Bldg Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
19,379,000		21,774,000
<u>NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Reformatory: Facility improvements, install a boiler (CI-83-R-048)		
	Reappropriation 6,279,000	Appropriation 7,275,000
GF. DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
5,196,000	13,771,000	32,521,000
<u>NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Reformatory: Construct intensive management unit (CI-86-R-L48)		
	Reappropriation	Appropriation 9,100,000
GF. DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,100,000
The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the long-term needs and cost benefit study of constructing the intensive management unit, to be done by the office of financial management.		
<u>NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide omnibus: Various projects (CI-83-R-049)		
	Reappropriation 595,000	Appropriation
GF. St Bldg Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,083,000		1,678,000
<u>NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Clallam Bay: 500-person corrections center (CI-83-R-051)		
	Reappropriation 7,430,000	Appropriation
GF. DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
35,567,000		42,997,000
<u>NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Penitentiary facility renewal projects (CR-83-R-052)		
	Reappropriation 448,000	Appropriation 8,742,000
GF. DSHS Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

	6/30/85	Thereafter	
	3,724,000		12,914,000
<u>NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington State Penitentiary: 300 bed prototypical housing (CI-84-R-049)			
		Reappropriation	Appropriation
GF. St Bldg Constr Acct		255,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
11,345,000			11,600,000
<u>NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center: Ferry slip (CR-86-R-L13)			
		Reappropriation	Appropriation
GF. CEP & RI Acct		1,028,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
25,000			1,053,000
<u>NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Twin Rivers Corrections Center: Complete construction and claim defense costs (CI-81-R-01)			
		Reappropriation	Appropriation
GF. DSHS Constr Acct		757,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
33,105,300			33,862,300
The appropriation in this section is subject to the following conditions and limitations: A maximum of \$661,500 may be spent for costs incurred in preparing the state's defense.			
<u>NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center: Renovation of utilities (CR-86-1-002)			
		Reappropriation	Appropriation
GF. St Fac Renew Acct			3,219,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	4,361,000		7,580,000
<u>NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Repairs to McNeil Island transportation systems (CR-86-1-004)			
		Reappropriation	Appropriation
GF. St Fac Renew Acct			2,245,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	2,200,000		4,445,000
<u>NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide minor projects (CI-86-2-005)			
		Reappropriation	Appropriation
GF. St Fac Renew Acct			2,096,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	508,000		2,604,000
<u>NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide small repairs and improvements (CR-86-2-006)			
		Reappropriation	Appropriation
GF. St Fac Renew Acct			61,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	153,000		214,000

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS  
McNeil Island Corrections Center building renovations (CR-86-1-008)

		Reappropriation	Appropriation 2,229,000
GF. St Fac Renew Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter	3,426,000	5,655,000

The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the facilities study to be done by the office of financial management.

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS  
State-wide emergency repair projects (CR-86-1-010)

		Reappropriation	Appropriation 400,000
GF. St Fac Renew Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter	1,250,000	1,650,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS  
State-wide code compliance: Transformers (PCB) (CR-86-1-012)

		Reappropriation	Appropriation 100,000
GF. St Fac Renew Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter	400,000	500,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT  
Completion by the Seattle International District Chinatown Public Development Authority of the "Bush Annex" for the Wing Luke Museum.

		Reappropriation	Appropriation 200,000
General Fund, State			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		200,000

PART III  
EDUCATION

NEW SECTION. Sec. 301. FOR THE STATE BOARD FOR EDUCATION  
Public school building construction: 1975 (CI-75-3-001)

		Reappropriation 40,000	Appropriation
Common School Constr Fund			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		55,000
15,000			

NEW SECTION. Sec. 302. FOR THE STATE BOARD FOR EDUCATION  
Public school building construction: 1977 (CI-77-3-001)

		Reappropriation 110,000	Appropriation
Common School Constr Fund			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		190,000
80,000			

NEW SECTION. Sec. 303. FOR THE STATE BOARD FOR EDUCATION  
Public school building construction: 1979 (CI-79-3-002)

		Reappropriation 763,000	Appropriation
Common School Constr Fund			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs

6/30/85	Thereafter	
370,000		1,133,000
<u>NEW SECTION. Sec. 304. FOR THE STATE BOARD FOR EDUCATION</u>		
Public school building construction: 1981 (CI-81-3-001)		
	Reappropriation	Appropriation
Common School Constr Fund	1,000,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
41,000,000		42,000,000
<u>NEW SECTION. Sec. 305. FOR THE STATE BOARD FOR EDUCATION</u>		
Public school building construction: 1983 (CI-83-3-001)		
	Reappropriation	Appropriation
Common School Constr Fund	38,100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
48,298,000		86,398,000
<u>NEW SECTION. Sec. 306. FOR THE STATE BOARD FOR EDUCATION</u>		
Public school building construction: 1985-87 (CI-86-4-001)		
	Reappropriation	Appropriation
Common School Constr Fund		138,275,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		138,275,000
<u>NEW SECTION. Sec. 307. FOR THE STATE BOARD FOR EDUCATION</u>		
Planning grants (CI-86-4-007)		
	Reappropriation	Appropriation
Common School Constr Fund		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000
<u>NEW SECTION. Sec. 308. FOR THE STATE BOARD FOR EDUCATION</u>		
Artwork grants (CI-86-4-008)		
	Reappropriation	Appropriation
Common School Constr Fund		325,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		325,000
<u>NEW SECTION. Sec. 309. FOR THE STATE BOARD FOR EDUCATION</u>		
Administrative costs (CI-86-4-009)		
	Reappropriation	Appropriation
Common School Constr Fund		900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		900,000
<u>NEW SECTION. Sec. 310. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design tech building and related remodeling: Skagit Valley (CI-86-3-021)		
	Reappropriation	Appropriation
GF. St H Ed Constr Acct		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,217,000	4,417,000
<u>NEW SECTION. Sec. 311. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
Design of the Learning Resource Center instructional facility: South Puget Sound		

		Reappropriation	Appropriation 375,000
GF, St H Ed Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	6,043,000		6,418,000
<b>NEW SECTION, Sec. 312. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)			
		Reappropriation	Appropriation 60,000
GF, St H Ed Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	755,000		755,000
<b>NEW SECTION, Sec. 313. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Reappropriation for 1977-79 projects (CI-77-4-R01)			
		Reappropriation	Appropriation 68,000
GF, Com Col Cap Proj Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
118,000			186,000
<b>NEW SECTION, Sec. 314. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Handicapped access improvements (CI-79-1-R21)			
		Reappropriation	Appropriation 21,000
GF, St H Ed Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
131,000			152,000
<b>NEW SECTION, Sec. 315. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Relocate parent education (CI-79-4-R26)			
		Reappropriation	Appropriation 123,000
GF, St H Ed Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
80,000			203,000
<b>NEW SECTION, Sec. 316. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Construct parking facility: Seattle Community College (CI-81-3-R01)			
		Reappropriation	Appropriation 146,000
General Fund, State			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
206,000			352,000
<b>NEW SECTION, Sec. 317. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Nondeferrable repairs (CR-81-1-R02)			
		Reappropriation	Appropriation 31,000
GF, St H Ed Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
100,000			131,000
<b>NEW SECTION, Sec. 318. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</b>			
Minor repair and improvement projects (CI-81-3-R05)			
		Reappropriation	Appropriation 135,000
GF, Com Col Cap Proj Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs

6/30/85	Thereafter	
349,000		484,000
<u>NEW SECTION</u> , Sec. 319. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Minor improvements: State board for community college education allocation (CI-81-2-12)		
	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,450,000		2,500,000
<u>NEW SECTION</u> , Sec. 320. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Minor capital improvements (CI-83-2-002)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	560,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,350,000		2,910,000
<u>NEW SECTION</u> , Sec. 321. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Roof repairs (CR-83-1-003)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	300,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,751,000		2,051,000
<u>NEW SECTION</u> , Sec. 322. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Code compliance (CR-83-1-004)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	25,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
32,000		57,000
<u>NEW SECTION</u> , Sec. 323. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Electrical repairs (CR-83-1-005)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	55,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
653,000		708,000
<u>NEW SECTION</u> , Sec. 324. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
General repairs (CR-83-1-006)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
585,000		735,000
<u>NEW SECTION</u> , Sec. 325. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Heating, ventilation, and air conditioning repairs (CR-83-2-007)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	230,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
862,000		1,092,000
<u>NEW SECTION</u> , Sec. 326. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Clark College heating system (CI-83-1-008)		

		Reappropriation	Appropriation
GF. St H Ed Constr Acct		2,150,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
2,566,000			4,716,000
<u>NEW SECTION, Sec. 327. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
The Evergreen State College and Clark College: Joint facility (CI-83-3-009)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct		1,450,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
50,000			1,500,000
<u>NEW SECTION, Sec. 328. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Emergency repair and repairs, maintenance, and improvements (CR-83-1-01)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct		100,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
346,000			446,000
<u>NEW SECTION, Sec. 329. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Repairs: Various campuses (CR-84-1-10)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct		500,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
747,000			1,247,000
<u>NEW SECTION, Sec. 330. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Repairs: Various campuses (CI-84-3-11)			
		Reappropriation	Appropriation
GF. St H Ed Constr Acct		100,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
120,000			220,000
<u>NEW SECTION, Sec. 331. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Minor works request (repairs, maintenance, and improvements) (CR-86-1-001)			
		Reappropriation	Appropriation
GF. H Ed Reimb S/T Bonds Acct		3,100,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			3,100,000
<u>NEW SECTION, Sec. 332. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
State Board for Community College Education emergency repair fund (CR-86-1-002)			
		Reappropriation	Appropriation
GF. H Ed Reimb S/T Bonds Acct		500,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			500,000
<u>NEW SECTION, Sec. 333. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Critical repair projects (CR-86-1-003)			
		Reappropriation	Appropriation
GF. H Ed Reimb S/T Bonds Acct		6,556,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs

6/30/85

Thereafter

6,556,000

NEW SECTION. Sec. 334. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
General repair projects (CR-86-1-004)

GF. St Fac Renew Acct	Reappropriation	Appropriation
Project		9,324,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		9,324,000

NEW SECTION. Sec. 335. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Energy conservation projects (CR-86-1-005)

GF. St Fac Renew Acct	Reappropriation	Appropriation
Project		2,497,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		2,497,000

NEW SECTION. Sec. 336. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Minor renovations (CR-86-2-006)

GF. St Fac Renew Acct	Reappropriation	Appropriation
Project		8,094,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		8,094,000

NEW SECTION. Sec. 337. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Minor remodel projects (CR-86-2-007)

GF. St Fac Renew Acct	Reappropriation	Appropriation
Project		2,050,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		2,050,000

NEW SECTION. Sec. 338. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Purchase Clarkston facility (CI-86-3-008)

GF. St H Ed Constr Acct	Reappropriation	Appropriation
Project		500,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		500,000

NEW SECTION. Sec. 339. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Design and construction of vocational-science facility: Wenatchee (CI-86-3-G09)

GF. St H Ed Constr Acct	Reappropriation	Appropriation
Project		2,420,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		2,420,000

NEW SECTION. Sec. 340. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Construct main storage building: Clark (CI-86-3-009)

GF. St H Ed Constr Acct	Reappropriation	Appropriation
Project		503,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		503,000

NEW SECTION. Sec. 341. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION  
Construct science facility: Spokane (CI-86-3-010)

GF, St H Ed Constr Acct	Reappropriation	Appropriation 506,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		506,000
<u>NEW SECTION.</u> Sec. 342. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Minor improvements: Various campuses (CI-86-3-011)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 6,007,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,007,000
<u>NEW SECTION.</u> Sec. 343. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Purchase Paine Field facility: Everett (CI-86-3-012)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 2,090,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,090,000
<u>NEW SECTION.</u> Sec. 344. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
District office and Edison North renovation: Seattle Central (CI-86-3-013)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 3,660,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,614,000	8,274,000
<u>NEW SECTION.</u> Sec. 345. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Purchase Wagstaff facility: Spokane (CI-86-3-014)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		900,000
<u>NEW SECTION.</u> Sec. 346. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Construct core facility and instructional space: Whatcom (CI-86-3-015)		
GF, St H Ed Constr Acct	Reappropriation 180,000	Appropriation 4,933,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
40,000		5,153,000
<u>NEW SECTION.</u> Sec. 347. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Science facility: Columbia Basin (CI-86-3-016)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 2,906,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,906,000
<u>NEW SECTION.</u> Sec. 348. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION		
Replace relocatable buildings: Fort Steilacoom (CI-86-3-017)		
GF, St H Ed Constr Acct	Reappropriation	Appropriation 4,646,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	

	6/30/85	Thereafter	4,646,000
<u>NEW SECTION, Sec. 349. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Design of Puyallup extension facility: Fort Steilacoom (CI-86-3-L50)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			275,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	2,930,000		3,205,000
<u>NEW SECTION, Sec. 350. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Prior Hall renovation: Yakima Valley (CR-86-1-018)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			1,652,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			1,652,000
<u>NEW SECTION, Sec. 351. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Design of the heavy equipment building: South Seattle			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			166,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	4,217,000		4,383,000
<u>NEW SECTION, Sec. 352. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Food service building: Olympic (CI-86-3-019)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			4,167,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			4,167,000
<u>NEW SECTION, Sec. 353. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>			
Preplanning for 1987-89 major projects (CI-86-4-999)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			457,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			457,000
<u>NEW SECTION, Sec. 354. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Design and construct fire training facility (CI-81-4-R01)			
		Reappropriation	Appropriation
GF, Fire Trng Constr Acct		440,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
6,131,000			6,571,000
<u>NEW SECTION, Sec. 355. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Minor works request (CI-86-4-002)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			411,000
Project		Estimated	Estimated
Costs		Costs	Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			411,000
<u>NEW SECTION, Sec. 356. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</u>			
Preplanning for fire station (CI-88-4-003)			

		Reappropriation	Appropriation
GF, Fire Trng Constr Acct			16,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
	1,019,000		1,035,000
<u>NEW SECTION, Sec. 357. FOR THE UNIVERSITY OF WASHINGTON</u>			
University Hospital expansion (CI-81-3-001)			
		Reappropriation	Appropriation
GF, H Ed Constr Acct		300,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
59,396,000			75,696,000
<u>NEW SECTION, Sec. 358. FOR THE UNIVERSITY OF WASHINGTON</u>			
High rise fire safety (CR-83-1-001)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,040,000	
GF, UW Bldg Acct		790,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
920,000			2,750,000
<u>NEW SECTION, Sec. 359. FOR THE UNIVERSITY OF WASHINGTON</u>			
J Wing hazardous waste (CR-83-1-002)			
		Reappropriation	Appropriation
GF, H Ed Constr Acct		400,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
84,000			484,000
<u>NEW SECTION, Sec. 360. FOR THE UNIVERSITY OF WASHINGTON</u>			
Emergency power extension (CR-83-1-003)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct		295,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
60,000			355,000
<u>NEW SECTION, Sec. 361. FOR THE UNIVERSITY OF WASHINGTON</u>			
Safety: General (CR-83-1-004)			
		Reappropriation	Appropriation
GF, H Ed Constr Acct		250,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
250,000			500,000
<u>NEW SECTION, Sec. 362. FOR THE UNIVERSITY OF WASHINGTON</u>			
Energy conservation (CI-83-2-011)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct		100,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
50,000			150,000
<u>NEW SECTION, Sec. 363. FOR THE UNIVERSITY OF WASHINGTON</u>			
Roberts Hall renovation (CR-83-1-012)			
		Reappropriation	Appropriation
GF, H Ed Constr Acct		3,750,000	
GF, H Ed Reimb S/T Bonds			6,325,000

Project Costs Through 6/30/85 250,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  10,325,000
<u>NEW SECTION, Sec. 364. FOR THE UNIVERSITY OF WASHINGTON</u> Equipment (CI-83-3-999)		
	Reappropriation 1,177,000	Appropriation
GF, UW Bldg Acct		
Project Costs Through 6/30/85 2,732,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  3,909,000
<u>NEW SECTION, Sec. 365. FOR THE UNIVERSITY OF WASHINGTON</u> Minor repairs (CR-81-1-005)		
	Reappropriation 265,000	Appropriation
GF, UW Bldg Acct		
Project Costs Through 6/30/85 288,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  553,000
<u>NEW SECTION, Sec. 366. FOR THE UNIVERSITY OF WASHINGTON</u> Safety: Fire code (CR-86-1-001)		
	Reappropriation	Appropriation 5,780,000
GF, St H Ed Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 14,120,000	Estimated Total Costs  19,900,000
<u>NEW SECTION, Sec. 367. FOR THE UNIVERSITY OF WASHINGTON</u> Safety: Asbestos (CR-86-1-002)		
	Reappropriation	Appropriation 1,000,000
GF, St H Ed Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 3,200,000	Estimated Total Costs  4,200,000
<u>NEW SECTION, Sec. 368. FOR THE UNIVERSITY OF WASHINGTON</u> Safety: General (CR-86-1-003)		
	Reappropriation	Appropriation 1,000,000
GF, St H Ed Constr Acct		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 2,000,000	Estimated Total Costs  3,000,000
<u>NEW SECTION, Sec. 369. FOR THE UNIVERSITY OF WASHINGTON</u> Minor works: Capital renewal (CR-86-1-004)		
	Reappropriation	Appropriation 511,000
GF, St Fac Renew Acct		
GF, UW Bldg Acct		3,907,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 26,200,000	Estimated Total Costs  36,170,000
<u>NEW SECTION, Sec. 370. FOR THE UNIVERSITY OF WASHINGTON</u> Minor works: Program renewal (CI-86-3-005)		
	Reappropriation	Appropriation 7,230,000
GF, St H Ed Constr Acct		
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

	6/30/85	Thereafter	
		26,100,000	35,780,000
<b>NEW SECTION. Sec. 371. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>SIEG computer science: Electrical (CR-86-1-007)</b>			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			1,120,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			1,120,000
<b>NEW SECTION. Sec. 372. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>Electrical engineering building: Electrical (CR-86-1-008)</b>			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			660,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			660,000
<b>NEW SECTION. Sec. 373. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>G wing renovation (CR-86-1-011)</b>			
		Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds			6,297,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			6,297,000
<b>NEW SECTION. Sec. 374. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>Fisheries renovation (CR-86-1-014)</b>			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			6,000,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			6,000,000
<b>NEW SECTION. Sec. 375. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>State energy audit (CI-86-4-023)</b>			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			945,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
		1,000,000	1,945,000
<b>NEW SECTION. Sec. 376. FOR THE UNIVERSITY OF WASHINGTON</b>			
<b>H wing addition (CR-88-1-021)</b>			
		Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds			176,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
		8,803,000	8,979,000
<b>NEW SECTION. Sec. 377. FOR WASHINGTON STATE UNIVERSITY</b>			
<b>Minor capital improvements (CI-83-1-001)</b>			
		Reappropriation	Appropriation
GF, WSU Bldg Acct		1,500,000	
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			5,389,000
	3,029,000		
<b>NEW SECTION. Sec. 378. FOR WASHINGTON STATE UNIVERSITY</b>			
<b>Electrical and mechanical engineering building (CI-83-3-002)</b>			

GF, WSU Bldg Acct		Reappropriation	Appropriation
Project		8,016,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
5,760,000	Thereafter		
			13,776,000

NEW SECTION, Sec. 379. FOR WASHINGTON STATE UNIVERSITY  
McCoy Hall remodeling, phase I (CI-83-3-005)

GF, WSU Bldg Acct		Reappropriation	Appropriation
Project		160,000	
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
	Thereafter		
			160,000

NEW SECTION, Sec. 380. FOR WASHINGTON STATE UNIVERSITY  
Minor capital improvements (CI-86-1-001)

GF, WSU Bldg Acct		Reappropriation	Appropriation
Project			4,300,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
	Thereafter		
		17,040,000	24,667,000

NEW SECTION, Sec. 381. FOR WASHINGTON STATE UNIVERSITY  
Minor capital renewal (CR-86-1-002)

GF, St Fac Renew Acct		Reappropriation	Appropriation
Project			3,000,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
	Thereafter		
		8,000,000	11,000,000

NEW SECTION, Sec. 382. FOR WASHINGTON STATE UNIVERSITY  
Construct chemistry building (CI-86-1-003)

GF, H Ed Constr Acct		Reappropriation	Appropriation
GF, WSU Bldg Acct		250,000	13,791,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
649,000		3,656,000	18,346,000

NEW SECTION, Sec. 383. FOR WASHINGTON STATE UNIVERSITY  
Construct food and human nutrition facility (CI-86-1-004)

GF, H Ed Constr Acct		Reappropriation	Appropriation
GF, St H Ed Constr Acct			4,454,000
GF, WSU Bldg Acct		697,000	5,850,000
Project	Estimated		1,700,000
Costs	Costs		Estimated
Through	7/1/87 and		Total
6/30/85	Thereafter		Costs
97,000		1,000,000	13,798,000

The appropriations in this section are subject to the following conditions and limitations:  
Funds appropriated under this section shall not be allotted for fiscal year 1986.

NEW SECTION, Sec. 384. FOR WASHINGTON STATE UNIVERSITY  
McCoy Hall capital renewal and addition (CI-86-1-005)

GF, H Ed Constr Acct		Reappropriation	Appropriation
Project			2,249,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
61,000	Thereafter		
		3,302,000	5,612,000

NEW SECTION, Sec. 385. FOR WASHINGTON STATE UNIVERSITY  
Science hall renewal: Phase II and completion (CR-86-1-006)

GF, H Ed Constr Acct		Reappropriation	Appropriation
Project	Estimated		11,646,000
Costs	Costs	Estimated	Total
Through	7/1/87 and	Total	Costs
6/30/85	Thereafter		
63,000			11,709,000
<u>NEW SECTION.</u> Sec. 386. FOR WASHINGTON STATE UNIVERSITY			
Feed preparation, mixing, and storage facility (CI-86-1-012)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			500,000
GF, WSU Bldg Acct			1,000,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		1,500,000
<u>NEW SECTION.</u> Sec. 387. FOR WASHINGTON STATE UNIVERSITY			
Acquisition and renewal of Neil Residence Hall (CR-86-3-007)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			3,000,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		3,000,000
<u>NEW SECTION.</u> Sec. 388. FOR WASHINGTON STATE UNIVERSITY			
Kalkus Lab fire: Reimbursement of emergency repair expenditures (CR-86-1-013)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			650,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		650,000
<u>NEW SECTION.</u> Sec. 389. FOR EASTERN WASHINGTON UNIVERSITY			
Science building: Addition of laboratory space (CI-83-R-001)			
		Reappropriation	Appropriation
GF, EWU Cap Proj Acct		387,000	1,677,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		5,149,000
13,000	3,072,000		
<u>NEW SECTION.</u> Sec. 390. FOR EASTERN WASHINGTON UNIVERSITY			
Minor capital reappropriations (CR-83-R-003)			
		Reappropriation	Appropriation
GF, EWU Cap Proj Acct		800,000	
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		1,766,000
966,000			
<u>NEW SECTION.</u> Sec. 391. FOR EASTERN WASHINGTON UNIVERSITY			
Electrical system renewal (CR-86-1-002)			
		Reappropriation	Appropriation
GF, St Fac Renew Acct			1,513,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs
Through	7/1/87 and	Costs	
6/30/85	Thereafter		1,513,000
196,000			
<u>NEW SECTION.</u> Sec. 392. FOR EASTERN WASHINGTON UNIVERSITY			
Roof replacement (CR-86-1-003)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			600,000
Project	Estimated	Estimated	Total
Costs	Costs	Total	Costs

Through 6/30/85	7/1/87 and Thereafter 600.000	Costs 1,200.000
<u>NEW SECTION.</u> Sec. 393. FOR EASTERN WASHINGTON UNIVERSITY Water storage and distribution (CI-86-1-004)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,170.000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,170.000
<u>NEW SECTION.</u> Sec. 394. FOR EASTERN WASHINGTON UNIVERSITY Energy conservation (CI-86-2-006)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500.000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,000.000	1,500.000
<u>NEW SECTION.</u> Sec. 395. FOR EASTERN WASHINGTON UNIVERSITY Minor works projects (CR-86-1-010)		
	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		660.000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	3,900.000	4,560.000
<u>NEW SECTION.</u> Sec. 396. FOR EASTERN WASHINGTON UNIVERSITY Small repairs and improvements (CR-86-1-011)		
	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		76.000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,300.000	1,376.000
<u>NEW SECTION.</u> Sec. 397. FOR EASTERN WASHINGTON UNIVERSITY Fire suppression systems (CI-88-1-005)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct		23.000
GF, EWU Cap Proj Acct		27.000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,400.000	4,450.000
<u>NEW SECTION.</u> Sec. 398. FOR CENTRAL WASHINGTON UNIVERSITY Utility extension (CI-79-R-003)		
	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	83.000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
801.000		884.000
<u>NEW SECTION.</u> Sec. 399. FOR CENTRAL WASHINGTON UNIVERSITY Handicapped modifications (CI-79-R-007)		
	Reappropriation	Appropriation
GF, St H Ed Constr Acct	66.000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
466.000		532.000
<u>NEW SECTION.</u> Sec. 400. FOR CENTRAL WASHINGTON UNIVERSITY		

Utilities improvement (CI-81-R-005)		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		51.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
219.000			270.000
<u>NEW SECTION, Sec. 401. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Energy savings: Boiler house (CI-81-R-006)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		123.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
412.000			535.000
<u>NEW SECTION, Sec. 402. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Utilities improvement (CI-82-R-002)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		200.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
34.000			234.000
<u>NEW SECTION, Sec. 403. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Minor capital improvements (CI-82-R-003)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		115.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
219.000			334.000
<u>NEW SECTION, Sec. 404. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Minor capital improvements (CI-83-R-003)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		576.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
933.000			1,509.000
<u>NEW SECTION, Sec. 405. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Bouillon Hall reroofing (CR-83-R-006)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		240.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
275.000			515.000
<u>NEW SECTION, Sec. 406. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Hogue Technology and Hebler remodel (CI-83-R-007)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		750.000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
196.000			946.000
<u>NEW SECTION, Sec. 407. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Provide for additional staff space: Computer center (CI-83-3-063)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct		182.800	
Project	Estimated		Estimated
Costs	Costs		Total

Through 6/30/85	7/1/87 and Thereafter	Costs	182,800
<u>NEW SECTION, Sec. 408. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Improvements to instructional and support space: Nicholson (CI-86-3-001)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			1,332,000
GF, CWU Cap Proj Acct			1,318,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		2,650,000
<u>NEW SECTION, Sec. 409. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Energy savings projects (CR-86-2-005)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			300,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		712,000
<u>NEW SECTION, Sec. 410. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Minor works request (CR-86-2-007)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			1,819,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		5,819,000
<u>NEW SECTION, Sec. 411. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Emergency repairs (CR-86-1-012)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			22,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		78,000
<u>NEW SECTION, Sec. 412. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Small repairs and improvements (CR-86-3-013)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			533,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		1,423,000
<u>NEW SECTION, Sec. 413. FOR CENTRAL WASHINGTON UNIVERSITY</u>			
Renewal and utilization of campus buildings (CR-88-1-001)			
		Reappropriation	Appropriation
GF, CWU Cap Proj Acct			86,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		10,460,000
<u>NEW SECTION, Sec. 414. FOR THE EVERGREEN STATE COLLEGE</u>			
Renovate fire protection system (CR-86-1-001)			
		Reappropriation	Appropriation
GF, St H Ed Constr Acct			994,000
Project Costs	Estimated Costs	Estimated Total Costs	
Through 6/30/85	7/1/87 and Thereafter		994,000
<u>NEW SECTION, Sec. 415. FOR THE EVERGREEN STATE COLLEGE</u>			

Deferred maintenance and capital renewal program (CR-86-2-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,095,000	5,295,000

NEW SECTION, Sec. 416. FOR THE EVERGREEN STATE COLLEGE  
Replace roofing (three buildings) (CR-86-2-003)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		138,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		138,000

NEW SECTION, Sec. 417. FOR THE EVERGREEN STATE COLLEGE  
Emergency repairs (CR-86-1-004)

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		60,000

NEW SECTION, Sec. 418. FOR THE EVERGREEN STATE COLLEGE  
Minor works (group 1) (CI-86-3-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		309,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		309,000

NEW SECTION, Sec. 419. FOR THE EVERGREEN STATE COLLEGE  
Small repairs and improvements (CR-86-2-006)

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		46,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		46,000

NEW SECTION, Sec. 420. FOR THE EVERGREEN STATE COLLEGE  
Code compliance renovation (CR-86-1-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		105,000
GF, TESC Cap Proj Acct	132,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		237,000

NEW SECTION, Sec. 421. FOR THE EVERGREEN STATE COLLEGE  
Energy conservation projects (CR-86-2-008)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		908,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		908,000

NEW SECTION, Sec. 422. FOR THE EVERGREEN STATE COLLEGE  
Renovate roofing (four buildings) (CR-86-2-009)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		394,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
<u>NEW SECTION</u> , Sec. 423. FOR THE EVERGREEN STATE COLLEGE Minor works (group 2) (CR-86-2-010)		394.000
Reappropriation		Appropriation 145.000
GF, St Fac Renew Acct		Estimated Total Costs
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	145.000
<u>NEW SECTION</u> , Sec. 424. FOR THE EVERGREEN STATE COLLEGE Laboratory exhaust and ventilation repairs (CR-86-1-099)		75.000
Reappropriation		Appropriation 75.000
GF, St H Ed Constr Acct		Estimated Total Costs
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 634.000	709.000
<u>NEW SECTION</u> , Sec. 425. FOR WESTERN WASHINGTON UNIVERSITY Construct technology building and remodel art and technology building (CI-84-3-001)		6,500.000
Reappropriation		Appropriation 6,500.000
GF, St H Ed Constr Acct		Estimated Total Costs
GF, WWU Cap Proj Acct	200.000	Estimated Total Costs
Project Costs Through 6/30/85 372.000	Estimated Costs 7/1/87 and Thereafter 2,905.000	9,977.000
<u>NEW SECTION</u> , Sec. 426. FOR WESTERN WASHINGTON UNIVERSITY Programming science facility needs (CI-86-1-002)		50.000
Reappropriation		Appropriation 50.000
GF, St H Ed Constr Acct		Estimated Total Costs
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	50.000
<u>NEW SECTION</u> , Sec. 427. FOR WESTERN WASHINGTON UNIVERSITY Minor works request (CI-86-2-007)		1,902.000
Reappropriation		Appropriation 1,902.000
GF, St Fac Renew Acct		Estimated Total Costs
GF, St H Ed Constr Acct		Estimated Total Costs
GF, WWU Cap Proj Acct	200.000	Estimated Total Costs
Project Costs Through 6/30/85 2,419.000	Estimated Costs 7/1/87 and Thereafter 6,450.000	13,678.000
<u>NEW SECTION</u> , Sec. 428. FOR WESTERN WASHINGTON UNIVERSITY Small repairs and improvements (CI-86-2-008)		900.000
Reappropriation		Appropriation 900.000
GF, WWU Cap Proj Acct		Estimated Total Costs
Project Costs Through 6/30/85 663.000	Estimated Costs 7/1/87 and Thereafter 1,800.000	3,567.000
PART IV		
NATURAL RESOURCES		
<u>NEW SECTION</u> , Sec. 501. FOR THE DEPARTMENT OF ECOLOGY Riverside: Connection to municipal system (CI-77-R-002)		98.000
Reappropriation		Appropriation 98.000
GF, LIRA, Waste Disp Fac		

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
40,000		138,000
<u>NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF ECOLOGY</u>		
St. Edward water system (CI-81-R-005)		
	Reappropriation 220,000	Appropriation
GF, LIRA, Water Sup Fac		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		220,000
The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.		
<u>NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF ECOLOGY</u>		
Organic sewage treatment (CI-81-R-04A)		
	Reappropriation 36,000	Appropriation
GF, LIRA, Waste Fac 1980		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
91,000		127,000
<u>NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF ECOLOGY</u>		
Padilla Bay (CI-81-R-096)		
	Reappropriation 150,000	Appropriation
General Fund, Federal		
GF, ORA—State		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,396,000		1,696,000
<u>NEW SECTION, Sec. 505. FOR THE DEPARTMENT OF ECOLOGY</u>		
Blake Island water (CR-83-1-007)		
	Reappropriation 30,000	Appropriation
GF, LIRA, Water Sup Fac		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
58,000		88,000
<u>NEW SECTION, Sec. 506. FOR THE DEPARTMENT OF ECOLOGY</u>		
Moran sewage facilities modifications (CR-83-R-015)		
	Reappropriation 20,000	Appropriation
GF, LIRA, Waste Fac 1980		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
58,000		78,000
<u>NEW SECTION, Sec. 507. FOR THE DEPARTMENT OF ECOLOGY</u>		
Ocean city sewer system modifications (CR-83-R-016)		
	Reappropriation 120,000	Appropriation
GF, LIRA, Waste Fac 1980		
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		120,000
The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.		
<u>NEW SECTION, Sec. 508. FOR THE DEPARTMENT OF ECOLOGY</u>		
Pacific Beach: Sewage system (CR-83-R-020)		

	Reappropriation	Appropriation
GF. LIRA, Waste Fac 1980	6,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
20,000		26,000

NEW SECTION, Sec. 509. FOR THE DEPARTMENT OF ECOLOGY  
Test observation wells (CI-86-1-001)

	Reappropriation	Appropriation
GF. State Emerg Water Proj Rev		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		120,000

NEW SECTION, Sec. 510. FOR THE STATE PARKS AND RECREATION COMMISSION  
Ocean beach access, Copalis: Initial development (CI-79-R-012)

	Reappropriation	Appropriation
GF. ORA—State	50,000	
GF. ORA—Federal	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
118,000		218,000

NEW SECTION, Sec. 511. FOR THE STATE PARKS AND RECREATION COMMISSION  
Squak Mountain: Staged acquisition (CI-79-R-022)

	Reappropriation	Appropriation
GF. ORA—State	5,000	
GF. ORA—Federal	5,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
70,000		80,000

NEW SECTION, Sec. 512. FOR THE STATE PARKS AND RECREATION COMMISSION  
Clallam Bay Spit: Initial development (CI-79-R-033)

	Reappropriation	Appropriation
GF. ORA—State	80,000	
GF. ORA—Federal	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
20,000		180,000

NEW SECTION, Sec. 513. FOR THE STATE PARKS AND RECREATION COMMISSION  
Fort Worden: Kitchen and small bathhouse (CI-81-R-023)

	Reappropriation	Appropriation
GF. ORA—State	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
99,000		179,000

NEW SECTION, Sec. 514. FOR THE STATE PARKS AND RECREATION COMMISSION  
Millersylvania: CCC building restoration, phase I (CR-81-R-071)

	Reappropriation	Appropriation
GF. ORA—State	41,000	
GF. ORA—Federal	41,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
89,000		171,000

NEW SECTION, Sec. 515. FOR THE STATE PARKS AND RECREATION COMMISSION  
Yakima Greenway: Acquisition (CI-81-3-098)

GF, ORA—State	Reappropriation	Appropriation
Project	110,000	
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
40,000	Thereafter	
		150,000
<u>NEW SECTION, Sec. 516. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Jones Island, Squaxin Island, and Sucia Island (CR-81-R-099)		
	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
117,000		127,000
<u>NEW SECTION, Sec. 517. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
All areas emergency account (CR-83-R-001)		
	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
390,000		400,000
<u>NEW SECTION, Sec. 518. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Complete 1979-81 state-wide energy conservation program (CR-83-R-005)		
	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
62,000		72,000
<u>NEW SECTION, Sec. 519. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Blake Island water (CR-83-1-007)		
	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		88,000
<u>NEW SECTION, Sec. 520. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sylvia: Dam inspection and compliance repair (CR-83-R-023)		
	Reappropriation	Appropriation
GF, ORA—State	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
12,000		22,000
<u>NEW SECTION, Sec. 521. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
St. Edward: Building repairs (CR-83-R-026)		
	Reappropriation	Appropriation
GF, ORA—State	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
200,000		350,000
<u>NEW SECTION, Sec. 522. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Penrose Point (CI-83-R-027)		
	Reappropriation	Appropriation
GF, ORA—State	45,000	
GF, ORA—Federal	45,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85 260,000	7/1/87 and Thereafter	Costs 350,000
<u>NEW SECTION</u> , Sec. 523. FOR THE STATE PARKS AND RECREATION COMMISSION		
Energy conservation, Fort Worden (CR-83-2-106)		
	Reappropriation 150,000	Appropriation
GF, LIRA, Public Rec Fac		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 105,000	7/1/87 and Thereafter	Costs 255,000
<u>NEW SECTION</u> , Sec. 524. FOR THE STATE PARKS AND RECREATION COMMISSION		
Little Spokane River: Appraise and acquire land (CI-84-R-088)		
	Reappropriation 100,000	Appropriation
GF, ORA—State	100,000	
GF, ORA—Federal	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 900,000	7/1/87 and Thereafter	Costs 1,100,000
<u>NEW SECTION</u> , Sec. 525. FOR THE STATE PARKS AND RECREATION COMMISSION		
Seaquest: Expansion and renovation (CR-84-R-090)		
	Reappropriation 100,000	Appropriation
GF, ORA—State	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85 185,000	7/1/87 and Thereafter	Costs 285,000
<u>NEW SECTION</u> , Sec. 526. FOR THE STATE PARKS AND RECREATION COMMISSION		
All areas: Emergencies (CI-86-1-001)		
	Reappropriation 450,000	Appropriation
GF, St Bldg Constr Acct		
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85	7/1/87 and Thereafter 1,150,000	Costs 1,600,000
<u>NEW SECTION</u> , Sec. 527. FOR THE STATE PARKS AND RECREATION COMMISSION		
Water supply facilities: State-wide (CR-86-1-002)		
	Reappropriation 604,000	Appropriation
GF, St Bldg Constr Acct		
GF, ORA—State		27,000
GF, ORA—Federal		3,000
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85	7/1/87 and Thereafter 414,000	Costs 1,048,000
<u>NEW SECTION</u> , Sec. 528. FOR THE STATE PARKS AND RECREATION COMMISSION		
Sewage treatment facilities: State-wide (CR-86-1-003)		
	Reappropriation 742,000	Appropriation
GF, LIRA, Waste Fac 1980		
GF, St Bldg Constr Acct		187,000
GF, ORA—State		31,000
GF, ORA—Federal		30,000
Project	Estimated	Estimated
Costs	Costs	Total
Through 6/30/85	7/1/87 and Thereafter 400,000	Costs 1,390,000
<u>NEW SECTION</u> , Sec. 529. FOR THE STATE PARKS AND RECREATION COMMISSION		
Lake Sammamish: Water ski float (CI-86-4-004)		
	Reappropriation 5,000	Appropriation
GF, ORA—State		4,000
GF, ORA—Federal		

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  9,000
<u>NEW SECTION, Sec. 530. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Boating improvements: State-wide (CI-86-3-005)		
	Reappropriation	Appropriation
GF, ORA—State		67,000
GF, ORA—Federal		43,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  110,000
<u>NEW SECTION, Sec. 531. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden pier repair: Add safety railing (CR-86-1-006)		
	Reappropriation	Appropriation
GF, ORA—State		129,000
GF, ORA—Federal		15,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  144,000
<u>NEW SECTION, Sec. 532. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Horsethief Lake electric power revision (CR-86-1-007)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		13,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  13,000
<u>NEW SECTION, Sec. 533. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Puget Sound and San Juan Island acquisition and development (CI-86-4-014)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		50,000
GF, ORA—State		50,000
GF, ORA—Federal		50,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  600,000
<u>NEW SECTION, Sec. 534. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Park renovation state-wide: Referendum 28 (CR-86-1-018)		
	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac		256,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  256,000
<u>NEW SECTION, Sec. 535. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Boating repairs: State-wide (CR-86-1-020)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		62,000
GF, ORA—State		202,000
GF, ORA—Federal		18,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  1,110,000
<u>NEW SECTION, Sec. 536. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Repairs and improvements to boating facilities: State-wide (CR-86-1-021)		

GF, St Bldg Constr Acct	Reappropriation	Appropriation
GF, ORA—State		34,000
Project	Estimated	325,000
Costs	Costs	
Through	7/1/87 and	Estimated
6/30/85	Thereafter	Total
	828,000	Costs

NEW SECTION, Sec. 537. FOR THE STATE PARKS AND RECREATION COMMISSION  
Beacon Rock: Repair and replacement of water facilities (CR-86-1-022)

GF, ORA—State	Reappropriation	Appropriation
GF, ORA—Federal		140,000
Project	Estimated	16,000
Costs	Costs	
Through	7/1/87 and	Estimated
6/30/85	Thereafter	Total
		Costs

NEW SECTION, Sec. 538. FOR THE STATE PARKS AND RECREATION COMMISSION  
Deception Pass: Renovate marine work pier (CR-86-1-023)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		140,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	

NEW SECTION, Sec. 539. FOR THE STATE PARKS AND RECREATION COMMISSION  
Energy conservation, landscape repairs: State-wide (CR-86-1-026)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
GF, ORA—State		541,000
GF, ORA—Federal		40,000
Project	Estimated	40,000
Costs	Costs	
Through	7/1/87 and	Estimated
6/30/85	Thereafter	Total
	2,382,000	Costs

NEW SECTION, Sec. 540. FOR THE STATE PARKS AND RECREATION COMMISSION  
Energy conservation, landscape renovation: State-wide (CR-86-1-027)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		595,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
	5,119,000	5,714,000

NEW SECTION, Sec. 541. FOR THE STATE PARKS AND RECREATION COMMISSION  
West Hylebos acquisition and development (CI-86-4-013)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		296,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	

NEW SECTION, Sec. 542. FOR THE STATE PARKS AND RECREATION COMMISSION  
Milwaukee road trail: Trestle safety features, acquisition (CR-86-1-030)

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		149,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	

NEW SECTION, Sec. 543. FOR THE STATE PARKS AND RECREATION COMMISSION  
Fort Worden: Point Wilson Bank protection (CR-86-1-032)

	Reappropriation	Appropriation
GF, ORA—State		114,000
GF, ORA—Federal		113,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		227,000
<u>NEW SECTION, Sec. 544. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Mt. Spokane: Road improvements (CR-86-3-L34)		
	Reappropriation	Appropriation
Motor Vehicle Fund		900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		900,000
<u>NEW SECTION, Sec. 545. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Construction at Brooks Memorial, Central Ferry, and Lake Easton (CR-87-2-008)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		141,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	750,000	891,000
<u>NEW SECTION, Sec. 546. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Green River Gorge: Staged acquisition (CI-87-3-010)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		300,000
GF, ORA—State		100,000
GF, ORA—Federal		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,000,000	2,500,000
<u>NEW SECTION, Sec. 547. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Auburn game farm: Consolidation and renovation (CR-87-3-012)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		80,000
GF, ORA—State		18,000
GF, ORA—Federal		18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		116,000
<u>NEW SECTION, Sec. 548. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden: Building weatherization and energy conservation (CR-87-2-016)		
	Reappropriation	Appropriation
GF, St Bldg Constr Acct		511,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	500,000	1,011,000
<u>NEW SECTION, Sec. 549. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Replace breakwater, Illahee: Ramps, floats, and piling (CR-87-1-024)		
	Reappropriation	Appropriation
GF, ORA—State		276,000
GF, ORA—Federal		31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		307,000
<u>NEW SECTION, Sec. 550. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Sacajawea: Boat launch reconstruction (CR-87-1-025)

	Reappropriation	Appropriation
GF, ORA—State		91,000
GF, ORA—Federal		10,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		101,000

NEW SECTION, Sec. 551. FOR THE STATE PARKS AND RECREATION COMMISSION  
Lake Sylvia: Renovate dam and seepage control (CR-87-1-028)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		132,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		132,000

NEW SECTION, Sec. 552. FOR THE STATE PARKS AND RECREATION COMMISSION  
Flaming geyser and Kummer redevelopment and access (CR-87-1-029)

	Reappropriation	Appropriation
GF, ORA—State		183,000
GF, ORA—Federal		183,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		366,000

NEW SECTION, Sec. 553. FOR THE STATE PARKS AND RECREATION COMMISSION  
Kopachuck: Shoreline protection (CR-87-1-031)

	Reappropriation	Appropriation
GF, ORA—State		52,000
GF, ORA—Federal		53,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		105,000

NEW SECTION, Sec. 554. FOR THE STATE PARKS AND RECREATION COMMISSION  
Fort Columbia: Building dry rot repair (CR-87-2-045)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		164,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		164,000

NEW SECTION, Sec. 555. FOR THE STATE PARKS AND RECREATION COMMISSION  
Moran: Mountain Lake CCC building renovation (CR-87-1-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		163,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		163,000

NEW SECTION, Sec. 556. FOR THE STATE PARKS AND RECREATION COMMISSION  
Deception Pass: Renovate CCC buildings 2 and 3, Rosario (CR-87-1-050)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		218,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		218,000

NEW SECTION, Sec. 557. FOR THE STATE PARKS AND RECREATION COMMISSION  
Lewis and Clark: Expand camping sites, parking and miscellaneous minor renovation

GF, St Bldg Constr Acct		Reappropriation	Appropriation
Project			30,000
Costs	Estimated		Estimated
Through	Costs		Total
6/30/85	7/1/87 and		Costs
	Thereafter		
			30,000
<u>NEW SECTION, Sec. 558. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT</u>			
Public facilities: Revolving construction loan (CR-86-1-001)			
		Reappropriation	Appropriation
		12,000,000	20,000,000
GF, St Bldg Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
8,000,000	40,000,000		80,000,000
The appropriations in this section are subject to the following conditions and limitations: \$5,000,000 of the appropriation shall be made available to the department of community development solely for the purpose of Substitute House Bill No. 855, the Washington state development loan fund.			
<u>NEW SECTION, Sec. 559. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT</u>			
Washington State Ag-Trade Center, Spokane (CR-86-2-002)			
		Reappropriation	Appropriation
			4,500,000
GF, St Bldg Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			4,500,000
<u>NEW SECTION, Sec. 560. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT</u>			
Feasibility study for reconstruction, economic development, and expanded use of the state fairgrounds at Yakima			
		Reappropriation	Appropriation
			105,000
GF, St Bldg Constr Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			105,000
<u>NEW SECTION, Sec. 561. FOR THE DEPARTMENT OF FISHERIES</u>			
Health and safety code (CR-77-R-001)			
		Reappropriation	Appropriation
		20,000	
GF, Fish Cap Proj Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
1,766,000			1,766,000
<u>NEW SECTION, Sec. 562. FOR THE DEPARTMENT OF FISHERIES</u>			
Water quality standard (CR-77-R-002)			
		Reappropriation	Appropriation
		7,000	
GF, Fish Cap Proj Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
3,992,000			3,999,000
<u>NEW SECTION, Sec. 563. FOR THE DEPARTMENT OF FISHERIES</u>			
Replacements and alterations (CR-77-R-004)			
		Reappropriation	Appropriation
		99,000	
GF, Fish Cap Proj Acct			
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		

6/30/85	Thereafter	
2,390,000		2,489,000
<u>NEW SECTION, Sec. 564. FOR THE DEPARTMENT OF FISHERIES</u>		
Salmon habitat enhancement program (CR-77-R-005)		
	Reappropriation	Appropriation
GF, Salmon Enhmt Constr Acct	1,500,000	1,700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
3,500,000	3,300,000	10,000,000
<u>NEW SECTION, Sec. 565. FOR THE DEPARTMENT OF FISHERIES</u>		
Puget Sound artificial reefs: Design and construct (CR-79-R-008)		
	Reappropriation	Appropriation
GF, ORA—State	25,000	110,000
GF, ORA—Federal	25,000	20,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
270,000	470,000	920,000
<u>NEW SECTION, Sec. 566. FOR THE DEPARTMENT OF FISHERIES</u>		
Hood Canal Bridge: Design and construction (CR-79-R-011)		
	Reappropriation	Appropriation
GF, ORA—State	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
280,000		380,000
<u>NEW SECTION, Sec. 567. FOR THE DEPARTMENT OF FISHERIES</u>		
Snow Creek public access: Preplanning (CR-79-R-012)		
	Reappropriation	Appropriation
GF, ORA—State	68,000	13,000
GF, ORA—Federal	68,000	13,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
250,000	340,000	752,000
<u>NEW SECTION, Sec. 568. FOR THE DEPARTMENT OF FISHERIES</u>		
Soleduck Sill (CI-81-1-R46)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	41,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
6,000		47,000
<u>NEW SECTION, Sec. 569. FOR THE DEPARTMENT OF FISHERIES</u>		
Auxiliary fuel tank (CR-81-R-001)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
114,000		144,000
<u>NEW SECTION, Sec. 570. FOR THE DEPARTMENT OF FISHERIES</u>		
Adult holding and spawning: Skagit (CR-81-R-004)		
	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	257,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
84,000		341,000
<u>NEW SECTION, Sec. 571. FOR THE DEPARTMENT OF FISHERIES</u>		

Sunset Falls fishway (CR-81-R-007)			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			21.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
113,000				134,000
<u>NEW SECTION, Sec. 572. FOR THE DEPARTMENT OF FISHERIES</u>				
Green River hatchery: Erosion control (CR-81-R-009)				
			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			15.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
24,000				39,000
<u>NEW SECTION, Sec. 573. FOR THE DEPARTMENT OF FISHERIES</u>				
Oakland Bay tideland access: Design and construction (CR-81-R-014)				
			Reappropriation	Appropriation
GF. ORA—State			7.000	72.000
GF. ORA—Federal			7.000	72.000
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
174,000				332,000
<u>NEW SECTION, Sec. 574. FOR THE DEPARTMENT OF FISHERIES</u>				
Soleduck adult pond (CR-81-R-040)				
			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			8.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
262,000				270,000
<u>NEW SECTION, Sec. 575. FOR THE DEPARTMENT OF FISHERIES</u>				
Energy projects (CI-83-2-R01)				
			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			20.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
95,000				115,000
<u>NEW SECTION, Sec. 576. FOR THE DEPARTMENT OF FISHERIES</u>				
Combined replacement (CI-83-3-R04)				
			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			40.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
60,000				100,000
<u>NEW SECTION, Sec. 577. FOR THE DEPARTMENT OF FISHERIES</u>				
Green River incubation filter (CR-83-R-008)				
			Reappropriation	Appropriation
GF. Fish Cap Proj Acct			176.000	
Project	Estimated			Estimated
Costs	Costs			Total
Through	7/1/87 and			Costs
6/30/85	Thereafter			
60,000				176,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 578. FOR THE DEPARTMENT OF FISHERIES  
Puyallup filter and water supply (CR-83-R-009)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	112,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
50,000		162,000

NEW SECTION. Sec. 579. FOR THE DEPARTMENT OF FISHERIES  
Hatchery security (CR-83-R-012)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
60,000		120,000

NEW SECTION. Sec. 580. FOR THE DEPARTMENT OF FISHERIES  
Samish adult pond (CR-84-R-001)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
283,000		483,000

NEW SECTION. Sec. 581. FOR THE DEPARTMENT OF FISHERIES  
Health, safety, and code compliance (CR-86-1-020)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	500,000	800,000

NEW SECTION. Sec. 582. FOR THE DEPARTMENT OF FISHERIES  
Bird predation protection: Design and construction (CI-86-3-021)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct		267,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		267,000

NEW SECTION. Sec. 583. FOR THE DEPARTMENT OF FISHERIES  
Minor capital projects: Salmon (CR-86-3-022)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct		863,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,550,000	3,413,000

NEW SECTION. Sec. 584. FOR THE DEPARTMENT OF FISHERIES  
Minor capital projects: Shellfish, design and construction (CR-86-3-023)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct		269,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	200,000	469,000

NEW SECTION. Sec. 585. FOR THE DEPARTMENT OF FISHERIES  
Paving and maintenance, asphalt ponds: Design and construction (CR-86-3-024)

	Reappropriation	Appropriation
GF. Fish Cap Proj Acct		556,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

	6/30/85	Thereafter	
		200,000	756,000
<u>NEW SECTION, Sec. 586. FOR THE DEPARTMENT OF FISHERIES</u>			
Skykomish modifications: Design and construction (CR-86-3-025)			
		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			217,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			217,000
<u>NEW SECTION, Sec. 587. FOR THE DEPARTMENT OF FISHERIES</u>			
Bremerton public fishing pier: Design and construction (CI-86-3-027)			
		Reappropriation	Appropriation
GF, ORA—State			410,000
GF, ORA—Federal			410,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			820,000
<u>NEW SECTION, Sec. 588. FOR THE DEPARTMENT OF FISHERIES</u>			
Langley public fishing pier: Design and construction (CI-86-3-L40)			
		Reappropriation	Appropriation
GF, ORA—State			70,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			70,000
<u>NEW SECTION, Sec. 589. FOR THE DEPARTMENT OF FISHERIES</u>			
Towhead Island public access: Renovation (CR-86-2-028)			
		Reappropriation	Appropriation
GF, ORA—State			191,000
GF, ORA—Federal			21,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			212,000
<u>NEW SECTION, Sec. 590. FOR THE DEPARTMENT OF FISHERIES</u>			
Issaquah Hatchery Interpretive Center (CI-86-2-029)			
		Reappropriation	Appropriation
GF, ORA—State			35,000
GF, ORA—Federal			35,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			70,000
<u>NEW SECTION, Sec. 591. FOR THE DEPARTMENT OF FISHERIES</u>			
Willapa Hatchery, new main pipeline: Design and construction (CI-86-3-030)			
		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			426,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			426,000
<u>NEW SECTION, Sec. 592. FOR THE DEPARTMENT OF FISHERIES</u>			
Energy conservation (CR-86-4-031)			
		Reappropriation	Appropriation
GF, Fish Cap Proj Acct			162,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
		300,000	462,000

NEW SECTION, Sec. 593. FOR THE DEPARTMENT OF FISHERIES

Freezer remodel: Samish and Hood Canal (CR-86-3-032)

Reappropriation

GF. Fish Cap Proj Acct		Appropriation	103,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		103,000

NEW SECTION, Sec. 594. FOR THE DEPARTMENT OF FISHERIES

Patrol seized gear storage: Design and construction (CI-86-3-033)

Reappropriation

GF. Fish Cap Proj Acct		Appropriation	98,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		98,000

NEW SECTION, Sec. 595. FOR THE DEPARTMENT OF FISHERIES

Hood Canal: Boat access acquisition (CI-86-3-035)

Reappropriation

GF. ORA—State		Appropriation	270,000
GF. ORA—Federal			30,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		450,000
	150,000		

NEW SECTION, Sec. 596. FOR THE DEPARTMENT OF FISHERIES

Hood Canal beach access acquisition (CI-86-3-036)

Reappropriation

GF. ORA—State		Appropriation	150,000
GF. ORA—Federal			150,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		400,000
	100,000		

NEW SECTION, Sec. 597. FOR THE DEPARTMENT OF FISHERIES

Point Whitney tideland access acquisition (CI-86-3-037)

Reappropriation

GF. ORA—State		Appropriation	128,000
GF. ORA—Federal			128,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		406,000
	150,000		

NEW SECTION, Sec. 598. FOR THE DEPARTMENT OF FISHERIES

Knappton public access: Design and construction (CI-86-3-038)

Reappropriation

GF. ORA—State		Appropriation	51,000
GF. ORA—Federal			51,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/87 and	Costs	
6/30/85	Thereafter		102,000
	150,000		

NEW SECTION, Sec. 599. FOR THE DEPARTMENT OF GAME

Relocate engineering shop and storage facilities (CI-81-R-033)

Reappropriation

Game Fund		Appropriation	34,000
Project	Estimated	Estimated	
Costs	Costs	Total	
Through	7/1/85 and	Costs	
6/30/83	Thereafter		996,700
962,700			

NEW SECTION, Sec. 600. FOR THE DEPARTMENT OF GAME

Rebuild fishing dock and provide parking and sanitary facilities: Mercer Island, King County (CI-81-R-037)

	Reappropriation	Appropriation
GF, ORA—State	56,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,000		59,000

NEW SECTION, Sec. 601. FOR THE DEPARTMENT OF GAME

Relocate or rebuild Bogachiel residence to avoid flooding: Clallam County (CI-83-R-007)

	Reappropriation	Appropriation
Game Fund	64,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
4,000		68,000

NEW SECTION, Sec. 602. FOR THE DEPARTMENT OF GAME

Acquire access to stream bank: Mitigation for Wells dam, Okanogan County (CI-83-R-044)

	Reappropriation	Appropriation
Game Fund—Game Special Wildlife Acct	62,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		62,900

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 603. FOR THE DEPARTMENT OF GAME

Redevelop access areas: Amber Lake, Spokane County (CI-83-R-026)

	Reappropriation	Appropriation
GF, ORA—State	42,000	
GF, ORA—Federal	42,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		84,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 604. FOR THE DEPARTMENT OF GAME

Construct facilities on Big and Little Green Lakes: Okanogan County (CI-83-R-029)

	Reappropriation	Appropriation
GF, ORA—State	46,000	
GF, ORA—Federal	46,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		93,200

NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF GAME

Construct public access: Stillaguamish River, Snohomish County (CI-83-R-030)

	Reappropriation	Appropriation
GF, ORA—State	32,000	
GF, ORA—Federal	32,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,000		67,000

NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF GAME

Redevelop public access: Jamison Lake, Douglas County (CI-83-R-037)

	Reappropriation	Appropriation
GF, ORA—State	132,000	

GF. ORA—Federal	132,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
9,200		282,400

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF GAME  
Clear Lake (CI-81-R-041)

	Reappropriation	Appropriation
GF. ORA—State	20,000	
GF. ORA—Federal	9,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		29,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 608. FOR THE DEPARTMENT OF GAME  
Snake River compensation (CI-83-R-009)

	Reappropriation	Appropriation
Game Fund—Federal	11,223,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		11,223,000

NEW SECTION, Sec. 609. FOR THE DEPARTMENT OF GAME  
I-82 development (CI-83-R-013)

	Reappropriation	Appropriation
GF. ORA—State	186,000	
GF. ORA—Federal	186,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		372,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 610. FOR THE DEPARTMENT OF GAME  
Okanogon River natural area (McLaughlin Falls) (CI-83-R-016)

	Reappropriation	Appropriation
Game Fund—State	350,000	18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		368,000

NEW SECTION, Sec. 611. FOR THE DEPARTMENT OF GAME  
Wenas inholdings: Acquisition (CI-83-R-018)

	Reappropriation	Appropriation
Game Fund—State	132,000	72,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		204,000

NEW SECTION, Sec. 612. FOR THE DEPARTMENT OF GAME  
Skagit habitat management area inholdings acquisition (CI-83-R-020)

	Reappropriation	Appropriation
Game Fund—State	435,000	9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		444,000

NEW SECTION, Sec. 613. FOR THE DEPARTMENT OF GAME  
 Chehalis Valley habitat management area acquisition (CI-83-R-021)

Game Fund—State	Reappropriation	Appropriation
Project Costs Through 6/30/85	510,000	Estimated Total Costs
	7/1/87 and Thereafter	510,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 614. FOR THE DEPARTMENT OF GAME  
 Aeneas Valley (CI-83-R-025)

GF, ORA—State	Reappropriation	Appropriation
GF, ORA—Federal	53,000	Estimated Total Costs
Project Costs Through 6/30/85	53,000	Estimated Total Costs
	7/1/87 and Thereafter	106,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 615. FOR THE DEPARTMENT OF GAME  
 Diamond Lake (CI-83-R-031)

GF, ORA—State	Reappropriation	Appropriation
GF, ORA—Federal	27,000	Estimated Total Costs
Project Costs Through 6/30/85	27,000	Estimated Total Costs
	7/1/87 and Thereafter	54,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION, Sec. 616. FOR THE DEPARTMENT OF GAME  
 Repairs and replacements (CR-86-1-001)

Game Fund—State	Reappropriation	Appropriation
Project Costs Through 6/30/85	400,000	Estimated Total Costs
	7/1/87 and Thereafter	550,000

NEW SECTION, Sec. 617. FOR THE DEPARTMENT OF GAME  
 Facility maintenance and repair (CR-86-2-002)

Game Fund—State	Reappropriation	Appropriation
Project Costs Through 6/30/85	1,200,000	Estimated Total Costs
	7/1/87 and Thereafter	1,609,000

NEW SECTION, Sec. 618. FOR THE DEPARTMENT OF GAME  
 Access area toilet replacement (CR-86-1-004)

Game Fund—State	Reappropriation	Appropriation
Project Costs Through 6/30/85	400,000	Estimated Total Costs
	7/1/87 and Thereafter	550,000

NEW SECTION, Sec. 619. FOR THE DEPARTMENT OF GAME  
 State-wide fencing (CR-86-2-005)

Game Fund—State	Reappropriation	Appropriation 266,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,200,000	1,466,000

NEW SECTION. Sec. 620. FOR THE DEPARTMENT OF GAME  
Administrative offices: Remodel (CR-86-3-006)

Game Fund—State	Reappropriation	Appropriation 160,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		160,000

NEW SECTION. Sec. 621. FOR THE DEPARTMENT OF GAME  
Naches Hatchery water supply (CI-86-2-007)

Game Fund—State	Reappropriation	Appropriation 40,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		40,000

NEW SECTION. Sec. 622. FOR THE DEPARTMENT OF GAME  
West Valley acquisition (CI-86-4-012)

Game Fund—State	Reappropriation	Appropriation 31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		31,000

NEW SECTION. Sec. 623. FOR THE DEPARTMENT OF GAME  
Hedl property: Acquisition (CI-86-4-014)

Game Fund—State	Reappropriation	Appropriation 383,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		383,000

NEW SECTION. Sec. 624. FOR THE DEPARTMENT OF GAME  
E. N. Stone inholding: Klickitat habitat management area (CI-86-4-017)

Game Fund—State	Reappropriation	Appropriation 19,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		19,000

NEW SECTION. Sec. 625. FOR THE DEPARTMENT OF GAME  
Lake Goodwin redevelopment (CR-86-2-021)

GF. ORA—State	Reappropriation	Appropriation 81,000
GF. ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

NEW SECTION. Sec. 626. FOR THE DEPARTMENT OF GAME  
Vancouver Lake: Access road improvements (CR-86-2-022)

GF. ORA—State	Reappropriation	Appropriation 109,000
GF. ORA—Federal		12,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
<u>NEW SECTION, Sec. 627. FOR THE DEPARTMENT OF GAME</u> Oak Creek headquarters (CR-86-2-023)		121,000
	Reappropriation	Appropriation
GF, ORA—State		69,000
GF, ORA—Federal		69,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		138,000
<u>NEW SECTION, Sec. 628. FOR THE DEPARTMENT OF GAME</u> Newman Lake access area (CR-86-2-024)		
	Reappropriation	Appropriation
GF, ORA—State		99,000
GF, ORA—Federal		11,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		110,000
<u>NEW SECTION, Sec. 629. FOR THE DEPARTMENT OF GAME</u> Wind River boat access (CI-86-3-025)		
	Reappropriation	Appropriation
GF, ORA—State		83,000
GF, ORA—Federal		9,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		92,000
<u>NEW SECTION, Sec. 630. FOR THE DEPARTMENT OF GAME</u> Langlois Lake improvements (CR-86-2-026)		
	Reappropriation	Appropriation
GF, ORA—State		56,000
GF, ORA—Federal		6,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		62,000
<u>NEW SECTION, Sec. 631. FOR THE DEPARTMENT OF GAME</u> Pipe Lake public fishing access (CI-86-4-027)		
	Reappropriation	Appropriation
GF, ORA—State		85,000
GF, ORA—Federal		10,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		95,000
<u>NEW SECTION, Sec. 632. FOR THE DEPARTMENT OF GAME</u> Mineral Lake site improvements (CI-86-3-028)		
	Reappropriation	Appropriation
GF, ORA—State		115,000
GF, ORA—Federal		13,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		128,000
<u>NEW SECTION, Sec. 633. FOR THE DEPARTMENT OF GAME</u> Satsop River redevelopment (CR-86-2-029)		

	Reappropriation	Appropriation
GF, ORA—State		76,000
GF, ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		85,000

NEW SECTION, Sec. 634. FOR THE DEPARTMENT OF GAME

West Medical Lake redevelopment (CR-86-2-030)

	Reappropriation	Appropriation
GF, ORA—State		81,000
GF, ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

NEW SECTION, Sec. 635. FOR THE DEPARTMENT OF GAME

Lake Retreat public fishing access (CI-86-4-031)

	Reappropriation	Appropriation
GF, ORA—State		86,000
GF, ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		95,000

NEW SECTION, Sec. 636. FOR THE DEPARTMENT OF GAME

Engineering capital budget: Preplanning and design (CI-87-4-003)

	Reappropriation	Appropriation
Game Fund—State		25,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		25,000

NEW SECTION, Sec. 637. FOR THE DEPARTMENT OF GAME

Whitestone irrigation district and Blue Lake inholding acquisition (CI-87-4-011)

	Reappropriation	Appropriation
Game Fund—State		320,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		320,000

NEW SECTION, Sec. 638. FOR THE DEPARTMENT OF GAME

McConnell inholding Sinalahekin habitat management area (CI-87-4-013)

	Reappropriation	Appropriation
Game Fund—State		112,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		112,000

NEW SECTION, Sec. 639. FOR THE DEPARTMENT OF GAME

Robinson Canyon acquisition (CI-87-4-016)

	Reappropriation	Appropriation
Game Fund—State		204,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		204,000

NEW SECTION, Sec. 640. FOR THE DEPARTMENT OF GAME

Dallies Mountain land acquisition (CI-87-4-018)

	Reappropriation	Appropriation
Game Fund—State		510,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		510,000
<u>NEW SECTION, Sec. 641. FOR THE DEPARTMENT OF GAME</u>		
Samish River easement acquisition (CI-87-4-019)		
	Reappropriation	Appropriation
Game Fund—State		58,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		58,000
<u>NEW SECTION, Sec. 642. FOR THE DEPARTMENT OF GAME</u>		
Klickitat habitat management area: G. Layman acquisition (CI-87-4-020)		
	Reappropriation	Appropriation
Game Fund—State		444,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		444,000
<u>NEW SECTION, Sec. 643. FOR THE DEPARTMENT OF GAME</u>		
Shady Lake improvements (CR-87-2-032)		
	Reappropriation	Appropriation
GF, ORA—State		59,000
GF, ORA—Federal		6,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		65,000
<u>NEW SECTION, Sec. 644. FOR THE DEPARTMENT OF GAME</u>		
Methow River: Averill (CI-87-2-033)		
	Reappropriation	Appropriation
GF, ORA—State		59,000
GF, ORA—Federal		7,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		66,000
<u>NEW SECTION, Sec. 645. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve campsites, roads, trails, and other recreation projects (CI-77-4-R16)		
	Reappropriation	Appropriation
General Fund—ORV Account	210,400	
GF, ORA—State	97,800	
Project Costs Through 6/30/85 4,183,800	Estimated Costs 7/1/87 and Thereafter 1,379,000	Estimated Total Costs 5,871,000
<u>NEW SECTION, Sec. 646. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve campsites, roads, and trails: State-wide (CI-77-3-A16)		
	Reappropriation	Appropriation
General Fund—ORV Account	63,200	
GF, ORA—State	86,600	
Project Costs Through 6/30/85 95,400	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 245,200
<u>NEW SECTION, Sec. 647. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Acquire fragile and endangered natural lands for conservancy (CI-84-3-R92)		
	Reappropriation	Appropriation
GF, ORA—State	965,000	

Project Costs Through 6/30/85 35,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  1,000,000
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NEW SECTION, Sec. 648. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Construct and improve roads and bridges: State-wide (CI-77-4-L16)

General Fund—ORV Account	Reappropriation 273,300	Appropriation
Project Costs Through 6/30/85 480,200	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  753,500

NEW SECTION, Sec. 649. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Commercial land development (CI-77-R-002)

GF. Res Mgmt Cost Acct	Reappropriation 1,057,000	Appropriation
Project Costs Through 6/30/85 168,000	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  1,225,000

NEW SECTION, Sec. 650. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Irrigation development (CI-77-4-003)

GF. Res Mgmt Cost Acct	Reappropriation 765,000	Appropriation
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  765,000

NEW SECTION, Sec. 651. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Right of way acquisition (CI-86-3-001)

GF. For Dev Acct	Reappropriation	Appropriation 265,000
GF. Res Mgmt Cost Acct		887,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  1,152,000

NEW SECTION, Sec. 652. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Irrigation development (CI-86-3-002)

GF. Res Mgmt Cost Acct	Reappropriation	Appropriation 150,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  150,000

NEW SECTION, Sec. 653. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Forest land bank (CI-86-4-003)

GF. For Dev Acct	Reappropriation 2,940,000	Appropriation 3,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs  5,946,000

NEW SECTION, Sec. 654. FOR THE DEPARTMENT OF NATURAL RESOURCES  
Commercial development and electronic sites (CI-86-3-004)

GF. Res Mgmt Cost Acct	Reappropriation	Appropriation 127,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

	6/30/85	Thereafter	127,000
<u>NEW SECTION, Sec. 655. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Transition land bank (CI-86-3-005)			
		Reappropriation	Appropriation
GF. For Dev Acct			4,000,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			4,000,000
<u>NEW SECTION, Sec. 656. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Tiger Mountain 4000 road betterment (CI-86-3-006)			
		Reappropriation	Appropriation
General Fund—ORV Account			100,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			100,000
<u>NEW SECTION, Sec. 657. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Fire control projects (CR-86-1-010)			
		Reappropriation	Appropriation
General Fund, State			77,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			77,000
<u>NEW SECTION, Sec. 658. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Minor works (CR-86-3-011)			
		Reappropriation	Appropriation
General Fund, State			26,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			26,000
<u>NEW SECTION, Sec. 659. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Bulk fuel facilities (CI-86-4-012)			
		Reappropriation	Appropriation
General Fund, State			123,000
GF. For Dev Acct			49,000
GF. Res Mgmt Cost Acct			156,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			410,000
<u>NEW SECTION, Sec. 660. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Capital Forest recreation storage building (CR-86-4-014)			
		Reappropriation	Appropriation
General Fund, State			17,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs
6/30/85		Thereafter	
			17,000
<u>NEW SECTION, Sec. 661. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Recreation projects (CR-86-3-018)			
		Reappropriation	Appropriation
General Fund—ORV Account			971,000
GF. ORA—State			298,000
GF. ORA—Federal			126,000
Project		Estimated	Estimated
Costs		Costs	Total
Through		7/1/87 and	Costs

6/30/85	Thereafter	
	1,230,000	2,625,000
<u>NEW SECTION, Sec. 662. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Aquatic land enhancement (CI-86-3-020)		
	Reappropriation	Appropriation
GF, Aquatic Lands Acct		1,470,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,470,000
<u>NEW SECTION, Sec. 663. FOR THE STATE CONVENTION AND TRADE CENTER</u>		
Washington State Convention and Trade Center (CI-83-R-001)		
	Reappropriation	Appropriation
GF, Convention Center Acct	85,418,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
10,832,000		96,250,000
PART V		
MISCELLANEOUS		
<u>NEW SECTION, Sec. 701. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Minor works request (CR-86-1-001)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		49,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		56,000
<u>NEW SECTION, Sec. 702. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
New air conditioning (CR-86-1-002)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		125,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		125,000
<u>NEW SECTION, Sec. 703. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Museum interior remodeling (CI-88-3-004)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		26,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,000	3,250,000	3,317,000
<u>NEW SECTION, Sec. 704. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Cheney Cowles Memorial Museum: Remodel (CR-86-1-001)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		633,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,068,000		1,701,000
<u>NEW SECTION, Sec. 705. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Campbell House property: Restoration (CR-86-1-002)		
	Reappropriation	Appropriation
GF, St Fac Renew Acct		342,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	619,000	969,000
<u>NEW SECTION, Sec. 706. FOR THE DEPARTMENT OF TRANSPORTATION</u>		

## Acquisition of dredge spoil sites (chapter 1, Laws of 1983 1st ex. sess.)

GF, St Bldg Constr Acct	Reappropriation		Appropriation
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
	1,400,000		5,020,000

NEW SECTION, Sec. 707. FOR THE ARTS COMMISSION

Artwork allowance pooling: Up to one-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION, Sec. 708. To carry out effectively the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION, Sec. 709. Reappropriations shall be limited to the unexpended balances remaining June 30, 1985, in the current appropriation for each project.

NEW SECTION, Sec. 710. As part of the annual six year update to the State Facilities and Capital Plan, agencies shall, beginning with the January 1986 update, provide lease development projects to the office of financial management.

NEW SECTION, Sec. 711. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION, Sec. 712. Notwithstanding any other provisions of law, for the 1985-87 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION, Sec. 713. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION, Sec. 714. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION, Sec. 715. To carry out effectively, efficiently, and economically the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds five hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION, Sec. 716. (1) A maximum of \$121,800,000 of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

NEW SECTION, Sec. 717. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION, Sec. 718. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1985-87 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital renewal projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1987-89 Biennium, as that list exists in the Governor's final 1986 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION, Sec. 719. 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. 720. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator McDermott moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3654.

#### POINT OF INQUIRY

Senator Guess: "Senator McDermott, we're confused about the Ag Trade Center in Spokane. Does this contain 4.5 million dollar grant for the Ag Trade Center?"

Senator McDermott: "It is a grant of 4.5 million dollars."

#### POINT OF INQUIRY

Senator Gaspard: "Senator McDermott, a couple of years ago we passed Senate Bill No. 3155 which established the High Tech Coordinating Board, gave some

direction for high technology in the state of Washington community colleges and to try and encourage the growth of high tech industry in the state of Washington, gave authorization for the creation of a high tech center at the University of Washington and I note with disappointment that the House has taken out that construction money at the University of Washington for the High Tech Center. Can you give me any rationale as the House may have used to take, what I consider, this important project out?"

Senator McDermott: "Senator Gaspard, I wish I could give you a good rationale for that decision but also, Senator, it disappointed me but I believe we can continue to function in that project for the next year and a half and come back with it in the next budget. I think the needs of that center have already been demonstrated. They've gotten federal contracts as well as private industry contracts. It is a real going concern and I also believe we will build the building to give them the space they need."

#### POINT OF INQUIRY

Senator Zimmerman: "Senator McDermott, you mentioned in your list there of the Fire Training Center of some seven hundred and some thousand. There was some concern as to whether that was left out of the other part of the budget, or there was some confusion as to whether inadvertently that had been adversely affected. You are not aware of any other problem on that particular project?"

Senator McDermott: "No, Senator Zimmerman. This is the marine fire training rather than the Fire Training Center up near North Bend, up in King County."

Senator Zimmerman: "Excuse me, I was concerned about the other one."

#### POINT OF INQUIRY

Senator Barr: "Senator McDermott, you went down that list pretty fast and attracted my attention when you said 'Conconully.' What department was that in? Could you just hit that again just lightly, please?"

Senator McDermott: "In the Parks and Recreation budget, there was a project for \$102,000 at Swim Lagoon at Conconully. They deleted that. The Governor had it in and we kept it in and they took it out."

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3654.

The motion by Senator McDermott carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3654.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3654, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3654, as amended by the House, and the bill passed by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Bottiger, Craswell, Hayner, McDonald, Metcalf, Pullen, Wojahn - 7.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3654, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the Conference Committee was relieved of further consideration of Engrossed House Bill No. 1001.

On motion of Senator Vognild, the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 1001 and once again asks the House to concur therein.

## MOTION

On motion of Senator Bottiger, the Senate reverted to the first order of business.

## REPORT OF STANDING COMMITTEE

April 27, 1985

ESH 32 Prime Sponsor, Committee on Ways and Means (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn): Providing collective bargaining for institutions of higher education. Reported by Committee on Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTION

Senator Bottiger moved that the rules be suspended and Engrossed Substitute House Bill No. 32 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

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

Further debate ensued.

## PARLIAMENTARY INQUIRY

Senator Metcalf: "If this motion passes, the bill will be before us, if it fails the bill will be back in the Rules Committee?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "That is correct. We are considering a motion that follows the reporting of the standing committee and if this motions fails, the bill will be referred to the Rules Committee."

Further debate ensued.

## POINT OF ORDER

Senator Newhouse: "Mr. President, please rule on whether this bill is exempted from the cutoff."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Newhouse, would you restate your point of order?"

Senator Newhouse: "I was asking the President to rule as to whether or not House Bill 32 is exempt from our cutoff resolution whereby on a Friday night sometime ago all House bills not passed were dead."

President Pro Tempore Goltz: "Yes, I thought that was your motion and I will have a ruling on that in just a moment. I'm asking for a copy of the cutoff resolution to be brought to me."

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Engrossed Substitute House Bill No. 32 is specified in Section 145 and Section 522 of Substitute Senate Bill No. 3656, the 1985-87 omnibus budget, as passed by the Senate. The appropriations provided in those sections are in part subject to the enactment of Engrossed Substitute House Bill No. 32. The President believes these provisions make Engrossed Substitute House Bill No. 32 necessary to implement the budget and, therefore, exempt from the cutoffs or alive.

"The President recognizes that the House version of Substitute Senate Bill No. 3656 does not include references, as far as he knows, to Engrossed Substitute House Bill No. 32; however, the President believes bills referenced in either version of the budget should be considered alive."

## PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a form of parliamentary inquiry. How many votes does it take to have this motion? I'm reading Rule 48, which says that 'The Senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.' My reading would be 25, since we would in effect be relieving the Rules Committee of this bill."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator McDonald, are you suggesting that House Bill No. 32 is being recalled from the Ways and Means Committee?"

Senator McDonald: "No, I'm suggesting that the Rules Committee be relieved of the bill."

President Pro Tempore Goltz: "The bill would not be in the Rules Committee unless the motion before us fails at which point it would be returned to the Rules Committee, therefore, Rule 61 is the rule that applies."

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger to suspend the rules and advance Engrossed Substitute House No. 32 to second reading.

## ROLL CALL

The Secretary called the roll and Engrossed Substitute House Bill No. 32 was advanced to second reading and placed on the second reading calendar by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Stratton, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Granlund, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Melcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senator McCaslin - 1.

Engrossed Substitute House Bill No. 32 was placed on the second reading calendar.

## MOTION

At 8:27 p.m., on motion of Senator Vognil, the Senate recessed until 8:45 p.m.

## SECOND EVENING SESSION

The Senate was called to order at 8:48 p.m. by President Pro Tempore Goltz.

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

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Second Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 956 and has granted said committee the powers of Free Conference.

DENNIS L. HECK, Chief Clerk

## REPORT OF FREE CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 956, relating to the powers of local government in relation to federal grants and programs, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Second Report of Conference Committee on Substitute House Bill No. 956, read in earlier today)

Signed by Senators Thompson and Fleming; Representatives Nutley, Haugen and Brough.

## MOTION

On motion of Senator Vognild, the Report of the Free Conference Committee on Substitute House Bill No. 956 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 956, as amended by the Free Conference Committee.

## POINT OF INQUIRY

Senator Kiskaddon: "Would you explain to me what the Free Conference Report is doing so I know what I'm voting on? And I'd like to know what the bill is, I can't find a copy on my desk with all this paper."

Senator Thompson: "The Conference Report includes matter which the Senate has previously passed. It is necessary, however, to re-pass it in order to incorporate the necessary technical changes. One-half of it deals with the powers of public corporations; the other deals with a measure that provides for a smooth process of transition from incorporation to corporations, that will be put into effect rather soon in the Federal Way area. These bills, you will recall, passed the Senate not too far back and they now include the necessary technical changes."

## POINT OF ORDER

Senator Rasmussen: "I'd like to raise scope and object on House Bill No. 956."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Rasmussen, that we have adopted the report of the free conference committee and the bill is now on final passage and the challenge of the bill on scope and object is not a timely point of order."

Senator Rasmussen: "Mr. President, our rules provide that until our report is adopted we didn't have a challenge of the scope and object, but the title relates to the administration, authorizing federal grants and programs, and the amended part of it relates to incorporation of cities, and they have no relationship to them, so that's why I was raising scope and object, Mr. President."

President Pro Tempore: "Senator Rasmussen, your point of order may or may not have been well taken if it had been presented at the proper time, but given the fact that the conference committee report has been adopted, your point of order is not presented at a proper time."

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 956, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Guess, Metcalf, Pullen, Rasmussen - 8.

Absent: Senator McDermott - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 956, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTION SENATE BILL NO. 3310 and has passed the bill as amended by the Free

Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3310, facilitating election administration, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Second Report of Conference Committee on Substitute Senate Bill No. 3310, read in on April 27, 1985)

Signed by Senators Talmadge and Thompson; Representatives Fisher, Miller and Leonard.

MOTION

Senator Talmadge moved that the the Report of the Free Conference Committee on Substitute Senate Bill No. 3310 be adopted.

POINT OF INQUIRY

Senator Guess: "Will Senator Talmadge describe to us what the free conference does to it?"

Senator Talmadge: "Thank you, Mr. President and members of the Senate. Senate Bill No. 3310 is a small bill relating to election administration. It was requested by the auditors. In the process of the Conference Committee, the following bills or issues were addressed in the process of dealing with that issue. The first was with respect to write-in candidates and voting, the circumstances under which a write-in candidate must, in fact, file or provide some indication to the local election officials with respect to that candidate's intention.

"Second was the issue of declaration of the printing of names on absentee ballots. The process that was adopted was the suggestion by Senator Thompson which was essentially a determination of order on the ballot by lot rather than having people line up forever in a rather unseemly way to get that first spot on the ballot. The decision was made to permit the allocation of those spots by lot.

"The third was the precinct size. The county legislative authority may establish limitations on the maximum number of voters allowed in a precinct in any particular county.

"The fourth was the deletion of the issue of county auditors' abilities to combine or unite boards of election officials. There was some indication of a requirement of proof of age, with respect to registration for election, concern raised about altering election material which included an indication you can't use official voter election materials to mislead the public with respect to the official position of an auditor or any elected official with respect to the vote. Some concern about election materials and registration records being accessible--limiting the circumstances under which that could occur so that an auditor could prohibit access to certain kinds of records where there was the intent of harassment on the part of the individual seeking the record, dealing with the issue of vacancies caused by death or disqualification, where a person has died or otherwise become disqualified. Rather than counting that person's votes in with the votes of the official party, the nominee or person suggested by the party, the votes of that person who had died, the strange anomaly in the law would not be counted with the other candidates.

"And lastly, the issue of voter registration preference, and this is perhaps the most controversial portion of that portion of Engrossed House Bill 173 which permitted people on an optional basis to register by party preference and also to provide that that optional party preference registration was something that could be deleted if the local government--counties decided that they did not want that to occur. In all, it's something of an anomalous bill relating to election administration.

"I think I have detailed all of the things that are in the conference committee report."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, do you recall what the population of a precinct is in this new proposal?"

Senator Talmadge: "This would allow the county legislative authority to be able to establish limitations on the maximum size of the precincts. I know in Pierce County there are some as large as 1200 registered voters whereas we average around three to four hundred in King County."

Further debate ensued.

Senators Vognild, Bottiger and Talmadge demanded the previous question and the demand was sustained on a rising vote.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 3310.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the Senate did not adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 3310 by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Hansen, Kreidler, Moore, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, Williams, Wojahn - 18.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Warnke, Zimmerman - 29.

Excused: Senators McCaslin, McDermott - 2.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3310 was deferred.

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Ways and Means (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

The bill was read the second time.

#### MOTION

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

On page 2, line 29, after "RCW 28B.15.041" insert the following: "and that portion of funds specifically designated for research grants, or endowments, fellowships, scholarships, or bequests whether from public or private agencies or donors"

#### MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Cantu be adopted:

On page 1, line 18, after "chapter" strike everything through and including "size." on line 20 and insert:

"Provided, that nothing in this chapter authorizes collective bargaining over class size or the distribution of salary increases based on merit evaluations or intended to address critical market disparities."

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Warnke: "A parliamentary inquiry, Mr. President. We have two floor amendments on page 1, line 18. We are addressing the one of McDonald and Cantu, and there's one by McManus. Is it your intention to take the one by McManus later?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Thank you, Senator Warnke. I believe the appropriate way to handle the difference between the McManus amendment to the McDonald and Cantu amendment would be for Senator McManus to offer an amendment to the amendment which would add his words to the McDonald and Cantu amendment. Is that clear?"

Senator Warnke: "Thank you, Mr. President."

## MOTION

Senator McManus moved the following amendment to the amendment be adopted:

On line 4 of the amendment, after "disparities" insert ", as they apply to the state's research universities"

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Saling: "Thank you, Mr. President. I think it would be appropriate if your ruling would allow Senator McManus's amendment to follow because it changes drastically the amendment that is before us and really should be a divided question. I would ask that you allow that amendment following that amendment that we're working on."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Saling, if you pass the amendment which is offered by Senators McDonald and Cantu that the amendment by Senator McManus is duplicative and, therefore, would not be in order. The only language which we have under consideration is the amendment to the amendment which has been offered by Senator McManus as a part of his amendment, and I believe it is the most expeditious way to resolve the difference between the two amendments."

Senator Saling: "Mr. President, may I request then--if Senator McManus's amendment were to be adopted to this amendment, where does that put the community colleges as far as the total amendment is concerned?"

President Pro Tempore Goltz: "If Senator McManus's amendment to the amendment or if his amendment--"

Senator Saling: "If his amendment were to be adopted, how does that affect the community colleges?"

President Pro Tempore Goltz: "It would have the same affect, I believe, as adopting the amendment to the amendment. If you adopt the amendment to the amendment or you adopt the McManus amendment as a striking amendment, you would have exactly the same affect."

Senator Saling: "Mr. President, using the last part of Senator McDonald's amendment where it says, 'Merit evaluation or intended to address critical market disparities as they apply to the state's research universities,' would then eliminate the community colleges, as it applies to market disparities."

Further debate ensued.

## PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, as I see this amendment, isn't Senator McManus in essence making an oral amendment by adding those last few words to the McDonald amendment?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Fleming, what is before us now is the oral amendment by Senator McManus to add the last words, starting with 'as' to the McDonald/Cantu amendment.

"Senator Saling, do you want to proceed? I think it would be possible if Senator McManus withdrew his amendment and if the McDonald and Cantu amendment passed for Senator McManus to offer a striking amendment but it would have exactly the same affect as considering the amendment to the amendment now, therefore, I think the proper motion before us is the motion by Senator McManus to amend the amendment with his language."

## REMARKS BY SENATOR SALING

Senator Saling: "Mr. President, my point is, there are critical market disparities in the community colleges and if we were to adopt Senator McManus's amendment, we would only be referring to critical market disparities in the research universities."

President Pro Tempore Goltz: "That is correct and the way to resolve that is to defeat the McManus amendment so that the broader amendment applies."

Senator Saling: "Wouldn't it be better to have a separate motion?"

President Pro Tempore Goltz: "No."

Senator Saling: "Thank you, sir."

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator McManus to the amendment by Senators McDonald and Cantu.

## ROLL CALL

The Secretary called the roll and the motion by Senator McManus carried and the amendment to the amendment was adopted by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bolliger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Granlund - 1.

Excused: Senator McDermott - 1.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators McDonald and Cantu, as amended.

Debate ensued.

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

## POINT OF INQUIRY

Senator Saling: "Senator McManus, as I understand the amendment now it says that only research universities could address critical market disparities or have a distribution of salaries based on merit, and the other four-year universities and the community colleges could bargain for money without any regard to critical market disparities or merit evaluations. Is that the intention of your original motion?"

Senator McManus: "Senator Saling, to attempt to respond to your question--my original motion which has now been amended on to Senator McDonald's amendment had as its intent, that at research universities there be no bargaining on class-size matters or merit-pay matters and that these areas of critical market disparities would be given flexibility so that the research universities could, in fact, pay more money to their qualified professors, particularly in the area of high tech education and applied high technology."

Senator Saling: "In other words, in the research universities there is a problem in attracting the appropriate professors, but in the other institutions there is not that problem?"

Senator McManus: "I don't know about it being a problem in the community colleges and the other universities. I am sure it is a problem, Senator Saling, but

there is a definitely serious problem for attracting and maintaining these qualified professors at the research universities which are very intimately tied in with the applied technology system."

Senator Saling: "Thank you, Mr. President, there is a very serious problem in other four-year institutions in attracting and retaining."

#### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, the rule provides three minutes and by yielding the time in question and answer, I think Senator Saling has exhausted his three minutes."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "His three minutes--there are about twenty seconds left. We'll move the clock back five."

Senator Saling: "Thank you, Mr. President. There is a problem in other institutions and although I strongly believe in treating all of them alike, I will vote for this measure even though it is a discriminatory measure at the present time."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Cantu, as amended.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 24; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Kreidler, McManus, Moore, Owen, Peterson, Pullen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Absent: Senator Wojahn - 1.

Excused: Senator McDermott - 1.

#### PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, would the Secretary of the Senate give me an estimate as to how many amendments have been laid up on the table on this bill in the last half hour?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I'm advised that approximately twenty-six amendments have been received at the desk within the last half hour."

Senator Bottiger: "Mr. President, I would call the President's attention to Rule 225 of Reeds pertaining to dilatory parliamentary practices. We have spent over a half an hour on an amendment and an amendment to an amendment. At some point in time I would raise Rule 225, that the intent of the amendments are to delay the action of the body."

#### REMARKS BY SENATOR GUESS

Senator Guess: "I would like for the body to look at Rule 225 and I would particularly ask the chair to, because it says that the presiding officer has very great power over debate and decorum. Now, I would offer to you, Senator Bottiger, that there is great decorum on the floor. Nobody has any tempers--no tempers have flown at all, Senator--not yet at least.

"Now what it means by delaying the action of the body did occur on this floor in the closing hours of the last session in 1981 when the Republicans were in power. We had on one day, we had fifty amendments to adjourn. You don't remember that, Senator? Now, we have been extremely courteous to you. We have let the body proceed without interruption. I can't remember, time does not give me the opportunity to go back to the journal to recall how many times Senator Rasmussen moved to adjourn. At an hour certain, he'd say 'It is now ten o'clock, we ought to go home; it is now 10:10, we ought to go home,' and each time he would demand

a roll call. We are not dilatory. We are not in any way impeding the body at this time. All we are doing is--we are offering amendments over which we have grave concern. I tell you, the action of the floor tonight will go down through history. It will make a mark upon the higher education institutions of the state like no other single offered amendment or bill, ever since we've been in the legislature.

"I'm not being dilatory, Senator. I'm just pointing out that the question is necessarily such a course should be taken very rarely. We've not offered an alternative between adjournment and a motion. We are not doing that. We are saying to you that in all fairness in the parliamentary and to the name of the man who wrote the book, Mr. Reed, he certainly would not tolerate that."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Bottiger has not demanded that the President impose or respond to this rule, but I would call to your attention that the rule requires that the President, himself, should always be in order and act with the same evenness of temper that he requires of others, and I'm still smiling."

#### MOTION

Senator Bottiger moved that Engrossed Substitute House Bill No. 32 be made a special order of business at 11:55 p.m.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger that Engrossed Substitute House Bill No. 32 be made a special order of business at 11:55 p.m.

The motion by Senator Bottiger carried and Engrossed Substitute House Bill No. 32 was made a special order of business at 11:55 p.m.

#### MOTION

At 10:03 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 10:22 p.m. by President Pro Tempore Goltz.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3066,

SENATE BILL NO. 3120,

SUBSTITUTE SENATE BILL NO. 3184,

SUBSTITUTE SENATE BILL NO. 3235,

SUBSTITUTE SENATE BILL NO. 3354,

SUBSTITUTE SENATE BILL NO. 3516,

SENATE BILL NO. 4142,

SUBSTITUTE SENATE BILL NO. 4231.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3656 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1986" or "FY 1986" means the fiscal year ending June 30, 1986.

(b) "Fiscal year 1987" or "FY 1987" means the fiscal year ending June 30, 1987.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(3) Transfers between appropriations are not permitted unless specifically authorized in this act.

(4) Fifty percent of amounts designated for fiscal year 1986 and remaining unexpended and not lawfully obligated at the end of the fiscal year shall revert. The balance of such amounts may be expended during fiscal year 1987.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

		FY 1986	FY 1987
General Fund Appropriation	\$	14,515,000	15,834,000
Total Appropriation		\$30,349,000	

NEW SECTION. Sec. 102. FOR THE SENATE

		FY 1986	FY 1987
General Fund Appropriation	\$	11,092,000	13,561,000
Total Appropriation		\$24,653,000	

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

		FY 1986	FY 1987
General Fund Appropriation	\$	723,000	723,000
Total Appropriation		\$1,446,000	

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

		FY 1986	FY 1987
General Fund Appropriation	\$	913,000	912,000
Total Appropriation		\$1,825,000	

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

		FY 1986	FY 1987
General Fund Appropriation	\$	268,000	238,000
Total Appropriation		\$506,000	

NEW SECTION. Sec. 106. FOR THE STATUTE LAW COMMITTEE

		FY 1986	FY 1987
General Fund Appropriation	\$	3,265,000	3,264,000
Total Appropriation		\$6,529,000	

NEW SECTION. Sec. 107. FOR THE SUPREME COURT

		FY 1986	FY 1987
General Fund Appropriation	\$	4,436,000	4,436,000
Total Appropriation		\$8,872,000	

The appropriations in this section are subject to the following conditions and limitations: \$1,314,000 of the fiscal year 1986 appropriation and \$1,314,000 of the fiscal year 1987 appropriation are provided solely for the indigent appeals program.

NEW SECTION. Sec. 108. FOR THE LAW LIBRARY

		FY 1986	FY 1987
General Fund Appropriation	\$	1,163,000	1,163,000
Total Appropriation		\$2,326,000	

NEW SECTION. Sec. 109. FOR THE COURT OF APPEALS

		FY 1986	FY 1987
General Fund Appropriation	\$	5,182,000	5,182,000
Total Appropriation		\$10,364,000	

NEW SECTION. Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

		FY 1986	FY 1987
General Fund Appropriation	\$	9,796,000	9,745,000
General Fund—Public Safety and Education			
Account Appropriation	\$	7,219,000	6,619,000
Total Appropriation		\$33,379,000	

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

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) \$50,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in accordance with Substitute Senate Bill No. 3165. If SSB 3165 is not enacted by July 1, 1985, the amount provided in this subsection shall revert.

(3) \$1,700,000 of the fiscal year 1986 and \$1,700,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) \$100,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

NEW SECTION. Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

		FY 1986	FY 1987
General Fund Appropriation .....	\$	177,000	177,000
Total Appropriation .....		\$354,000	

NEW SECTION. Sec. 112. FOR THE OFFICE OF THE GOVERNOR

		FY 1986	FY 1987
General Fund Appropriation .....	\$	2,442,000	2,293,000
Total Appropriation .....		\$4,735,000	

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

(1) \$355,000 is provided solely for extradition expenses to carry out the provisions of 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.

(2) \$79,000 of the fiscal year 1986 appropriation and \$79,000 of the fiscal year 1987 appropriation are provided solely for mansion maintenance.

(3) \$10,000 of the fiscal year 1986 appropriation is provided solely for the painting and framing of the official portrait of Governor John Spellman to be permanently displayed in the reception room of the executive office upon delivery.

NEW SECTION. Sec. 113. FOR THE LIEUTENANT GOVERNOR

		FY 1986	FY 1987
General Fund Appropriation .....	\$	142,000	135,000
Total Appropriation .....		\$277,000	

NEW SECTION. Sec. 114. FOR THE SECRETARY OF STATE

		FY 1986	FY 1987
General Fund Appropriation .....	\$	3,243,000	2,413,000
General Fund—Archives and Records Management			
Account Appropriation—State .....	\$	871,000	834,000
General Fund—Archives and Records Management			
Account Appropriation—Federal .....	\$	47,000	
Total Appropriation .....		\$7,408,000	

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

(1) \$1,040,000 of the fiscal year 1986 general fund—state appropriation are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$641,000 for fiscal year 1986 and \$883,000 for fiscal year 1987 of the general fund—state appropriation are 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.

NEW SECTION. Sec. 115. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

		FY 1986	FY 1987
General Fund Appropriation .....	\$	102,000	102,000
Total Appropriation .....		\$204,000	

NEW SECTION. Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

		FY 1986	FY 1987
General Fund Appropriation .....	\$	130,000	130,000
Total Appropriation .....		\$260,000	

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

		FY 1986	FY 1987
General Fund Appropriation .....	\$	108,000	108,000
Total Appropriation .....		\$216,000	

NEW SECTION. Sec. 118. FOR THE STATE TREASURER

		FY 1986	FY 1987
Motor Vehicle Fund Appropriation .....	\$	22,000	22,000
State Treasurer's Service Fund Appropriation .....	\$	3,868,000	3,868,000
Total Appropriation .....		\$7,736,000	

NEW SECTION. Sec. 119. FOR THE STATE AUDITOR

		FY 1986	FY 1987
General Fund Appropriation .....	\$	394,000	394,000
Motor Vehicle Fund Appropriation .....	\$	175,000	175,000
Municipal Revolving Fund Appropriation .....	\$	6,588,000	6,588,000
Auditing Services Revolving Fund Appropriation .....	\$	3,793,000	3,793,000
Total Appropriation .....		\$21,900,000	

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

The director of financial management shall approve sufficient payments to the state auditor in

all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

NEW SECTION, Sec. 120. FOR THE ATTORNEY GENERAL

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 2,350,000	2,350,000
Legal Services Revolving Fund Appropriation . . . . .	\$ 14,694,000	14,694,000
Total Appropriation . . . . .	\$34,088,000	

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

(1) A maximum of \$170,000 for fiscal year 1986 and \$170,000 for fiscal year 1987 are provided solely for the criminal litigation unit.

(2) The attorney general's office shall produce a comprehensive consumer catalog that provides in-depth information in a form accessible to schools, other organizations, and interested citizens by August 1, 1985.

NEW SECTION, Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 7,939,000	6,861,000
Medical Aid Fund Appropriation . . . . .	\$ 50,000	50,000
Total Appropriation . . . . .	\$14,900,000	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

(2) \$195,000 of the fiscal year 1986 and \$169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter --- (SHB 1077 or SSB 4242), Laws of 1985. If neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.

(3) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter --- (SB 3596), Laws of 1985. If SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.

(4) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted during the city or county's fiscal year ending December 31, 1985.

NEW SECTION, Sec. 122. FOR THE STATE INVESTMENT BOARD

	FY 1986	FY 1987
General Fund—State Investment Board Expense		
Account Appropriation . . . . .	\$ 771,000	771,000
Total Appropriation . . . . .	\$1,542,000	

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF PERSONNEL

	FY 1986	FY 1987
Department of Personnel Service Fund Appropriation . . . . .	\$ 5,317,000	5,317,000
State Employees' Insurance Fund Appropriation . . . . .	\$ 863,000	863,000
Total Appropriation . . . . .	\$12,360,000	

NEW SECTION, Sec. 124. FOR THE PERSONNEL APPEALS BOARD

	FY 1986	FY 1987
Department of Personnel Service Fund Appropriation . . . . .	\$ 358,000	358,000
Total Appropriation . . . . .	\$716,000	

NEW SECTION, Sec. 125. FOR THE DATA PROCESSING AUTHORITY

	FY 1986	FY 1987
Data Processing Revolving Fund Appropriation . . . . .	\$ 508,000	508,000
Total Appropriation . . . . .	\$1,016,000	

NEW SECTION, Sec. 126. FOR THE WASHINGTON STATE LOTTERY

	FY 1986	FY 1987
Lottery Administrative Account Appropriation . . . . .	\$ 7,231,000	7,231,000
Total Appropriation . . . . .	\$14,462,000	

The appropriations in this section are subject to the following conditions and limitations: If Substitute Senate Bill No. 3684 is not enacted by July 1, 1985, the appropriations in this section shall lapse.

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 30,552,000	29,305,000

General Fund—Hazardous Waste Control and Elimination Account Appropriation .....	\$	54,000	54,000
General Fund—Timber Tax Distribution Account			
Appropriation .....	\$	1,469,000	1,469,000
Total Appropriation .....		\$62,903,000	

**NEW SECTION, Sec. 128. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation .....	\$	FY 1986 543,000	FY 1987 543,000
Total Appropriation .....		\$1,086,000	

**NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation—State .....	\$	FY 1986 3,783,000	FY 1987 3,727,000
General Fund Appropriation—Private/Local .....	\$	30,000	30,000
General Fund—Motor Transport Account Appropriation .....	\$	3,450,000	3,060,000
General Administration Facilities and Services Revolving Fund Appropriation .....	\$	9,188,000	8,948,000
Total Appropriation .....		\$32,216,000	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) Charges made by the department for the facilities and services revolving fund and the central stores revolving fund during the 1985-87 biennium, other than charges for telecommunications and utilities, shall not exceed one hundred three percent of the charges made for those funds during the fiscal year ending June 30, 1985.

(3) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are provided solely to fully implement Senate Bill No. 3569. If SB 3569 is not enacted by July 1, 1985, the amounts provided in this subsection shall lapse.

(4) \$99,000 of the fiscal year 1986 and \$97,000 of the fiscal year 1987 appropriation are provided solely for the operation of the risk management office.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

**NEW SECTION, Sec. 130. FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account Appropriation .....	\$	FY 1986 4,332,000	FY 1987 4,332,000
Total Appropriation .....		\$8,664,000	

The appropriations in this section are subject to the following conditions and limitations: If Senate Bill No. 3657 is not enacted by July 1, 1985, the appropriation in this section shall be made from the general fund.

**NEW SECTION, Sec. 131. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	FY 1986 488,000	FY 1987 488,000
Total Appropriation .....		\$976,000	

**NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Fund		FY 1986	FY 1987
Appropriation .....	\$	6,785,000	6,786,000
Total Appropriation .....		\$13,571,000	

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

(1) The employer rate for all employers for the retirement system governed by chapter 41.40 RCW shall be set for the 1985-1987 biennium by the director consistent with the appropriations made in this act for state agencies and shall include the administrative expense for the biennium.

(2) The employer contributions for the retirement system governed by chapter 41.32 RCW shall be set for the 1985-1987 biennium by the director as follows:

(a) For the period July and August 1985, the system shall receive the amount appropriated in section 704(1) of this act for this purpose.

(b) For the period September 1985 through August 1986, the superintendent of public instruction shall transfer to the department all moneys allocated to the superintendent for the certificated employees of the school and educational service districts for retirement purposes by this act for this period.

(c) For the period September 1985 through August 1986, all employers of members of the teachers' retirement system, other than those covered in subsection (2)(b) of this section, shall pay an employer rate set consistent with the appropriations made to the employers covered by subsection (2)(b) of this section and which shall include the administrative expense for this period.

(d) For the period September 1986 through June 1987, all employers shall pay a rate set consistent with this act and which shall include the administrative expense for this period.

NEW SECTION. Sec. 133. FOR THE MUNICIPAL RESEARCH COUNCIL

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	867,000	923,000
Total Appropriation . . . . .	\$1,790,000	

NEW SECTION. Sec. 134. FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	12,000	2,000
Total Appropriation . . . . .	\$14,000	

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

NEW SECTION. Sec. 135. FOR THE BOARD OF ACCOUNTANCY

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	171,000	171,000
General Fund—Certified Public Accountant Examination Account Appropriation . . . . . \$	270,000	270,000
Total Appropriation . . . . .	\$882,000	

NEW SECTION. Sec. 136. FOR THE BOXING COMMISSION

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	43,000	43,000
Total Appropriation . . . . .	\$86,000	

NEW SECTION. Sec. 137. FOR THE CEMETERY BOARD

	FY 1986	FY 1987
General Fund—Cemetery Account Appropriation . . . . . \$	59,000	59,000
Total Appropriation . . . . .	\$118,000	

NEW SECTION. Sec. 138. FOR THE HORSE RACING COMMISSION

	FY 1986	FY 1987
Horse Racing Commission Fund Appropriation . . . . . \$	1,867,000	1,867,000
Total Appropriation . . . . .	\$3,734,000	

The appropriations in this section are subject to the following conditions and limitations: If there are more than three hundred ninety-three racing days during fiscal year 1986 or more than three hundred ninety-three racing days during fiscal year 1987, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

NEW SECTION. Sec. 139. FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM AND THE LICENSING AND ENFORCEMENT PROGRAM

	FY 1986	FY 1987
Liquor Revolving Fund Appropriation . . . . . \$	8,365,000	8,365,000
Total Appropriation . . . . .	\$16,730,000	

NEW SECTION. Sec. 140. FOR THE LIQUOR CONTROL BOARD—THE MERCHANDISING PROGRAM

	FY 1986	FY 1987
Liquor Revolving Fund Appropriation . . . . . \$	34,221,000	34,221,000
Total Appropriation . . . . .	\$68,442,000	

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

(1) The liquor control board shall maintain a minimum productivity of 43,821 bottles sold adjusted to retail per full time equivalent staff year. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board's budget request for the fiscal biennium ending June 30, 1987. Except as provided in subsection (2) of this section, the board shall not permit a productivity less than that specified in this section for any reason, including but not limited to the sale of lottery tickets or decreases in the demand for liquor.

(2) If bottles sold adjusted to retail declines during a fiscal year, only 50% of the decline in bottles sold shall be recognized in calculating compliance with the minimum productivity requirement in subsection (1) of this section.

(3) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1987, if necessary to conduct business in the most efficient and economical manner possible.

(4) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1987.

(5) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1987.

NEW SECTION. Sec. 141. FOR THE PHARMACY BOARD

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	584,000	584,000

General Fund—Health Professions Account Approp- riation .....	\$	198,000	198,000
Total Appropriation .....		\$1,564,000	

NEW SECTION, Sec. 142. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

		FY 1986	FY 1987
Public Service Revolving Fund Appropriation— State .....	\$	11,360,000	11,299,000
Public Service Revolving Fund Appropriation— Federal .....	\$	213,000	213,000
Grade Crossing Protective Fund Appropriation .....	\$	97,000	97,000
Total Appropriation .....		\$23,279,000	

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

(1) \$1,061,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding implementation of Substitute Senate Bill No. 3305. If SSB 3305 is not enacted before July 1, 1985, the amounts provided in this subsection shall revert.

(2) \$391,000 for fiscal year 1986 and \$391,000 for fiscal year 1987 from the public service revolving fund appropriation are provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

(3) \$139,000 for fiscal year 1986 and \$139,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding the joint select committee on telecommunications in accordance with House Concurrent Resolution No. 7. If HCR 7 is not enacted by July 1, 1985, this amount shall revert.

NEW SECTION, Sec. 143. FOR THE BOARD FOR VOLUNTEER FIREMEN

		FY 1986	FY 1987
Volunteer Firemen's Relief and Pension Fund Approp- riation .....	\$	107,000	98,000
Total Appropriation .....		\$205,000	

NEW SECTION, Sec. 144. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	518,000	518,000
General Fund Appropriation—Federal .....	\$	2,715,000	2,715,000
Total Appropriation .....		\$6,466,000	

NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	3,531,000	3,531,000
General Fund Appropriation—Federal .....	\$	1,042,000	1,042,000
Total Appropriation .....		\$9,146,000	

The appropriations in this section are subject to the following conditions and limitations: \$15,000 of the fiscal year 1986 and \$15,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the support of the office of the director of employer support.

NEW SECTION, Sec. 146. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

		FY 1986	FY 1987
General Fund Appropriation .....	\$	793,000	793,000
Total Appropriation .....		\$1,586,000	

NEW SECTION, Sec. 147. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

		FY 1986	FY 1987
Administrative Hearings Revolving Fund Appropria- tion .....	\$	3,798,000	3,798,000
Total Appropriation .....		\$7,596,000	

NEW SECTION, Sec. 148. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

		FY 1986	FY 1987
General Fund Appropriation .....	\$	780,000	743,000
Total Appropriation .....		\$1,523,000	

PART II  
HUMAN SERVICES

NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

		FY 1986	FY 1987
General Fund Appropriation .....	\$	27,799,000	27,816,000
Total Appropriation .....		\$55,615,000	

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

(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) \$11,351,000 is provided for fiscal year 1986 and \$11,351,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 126,625,000	119,240,000
Total Appropriation . . . . .	\$245,865,000	

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

(a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

(b) \$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(d) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

(e) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 9,426,000	8,527,000
General Fund—Institutional Impact Account Appropriation . . . . .	\$ 150,000	150,000
Total Appropriation . . . . .	\$18,253,000	

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

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 2,039,000	1,766,000
Total Appropriation . . . . .	\$3,805,000	

NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1985. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a

reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the fiscal year ending June 30, 1986. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

**NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM**

		FY 1986	FY 1987
General Fund Appropriation—State	\$	64,335,000	63,290,000
General Fund Appropriation—Federal	\$	24,343,000	26,095,000
Total Appropriation		\$178,063,000	

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

- (1) Vendor rate adjustments shall average 3% on January 1, 1986.
- (2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.
- (3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.
- (4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.
- (5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.
- (6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.
- (7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.
- (8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.
- (9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.
- (10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.
- (11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative

program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) \$455,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) \$11,056,000 for fiscal year 1986, of which \$7,791,000 is from the general fund—state appropriation, and \$11,185,000 for fiscal year 1987, of which \$6,196,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 13,940,000	13,912,000
General Fund Appropriation—Federal .....	39,000	39,000
Total Appropriation .....	\$27,930,000	

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

(a) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(b) \$397,000 for fiscal year 1986 and \$397,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to increase vendor rates to private group care providers.

(c) The department shall develop a specific plan for performance-based contracts whereby a portion of vendor payments for private group care and other community residential placements is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(d) \$2,788,000 for fiscal year 1986 and \$2,630,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for Woodinville, Sunrise, Oakridge, Canyon View, Parke Creek, Twin Rivers, and Ridgeview state group homes. The total number of youths in residential status at these state group homes shall average at least 100 per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state appropriation in this section shall be reduced by \$2,067 per month for every unfilled bed below 100.

**(2) INSTITUTIONAL SERVICES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 21,814,000	21,179,000
General Fund Appropriation—Federal .....	445,000	445,000
Total Appropriation .....	\$43,883,000	

The appropriations in this subsection are subject to the following conditions and limitations: The department shall review and evaluate the number of beds necessary to ensure the prudent management of juvenile offenders in the juvenile rehabilitation system prior to closing any cottages at the Green Hill school. Such analysis shall be presented to the ways and means committees of the senate and house of representatives on June 1, 1986.

**(3) PROGRAM SUPPORT**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 1,323,000	1,323,000
Total Appropriation .....	\$2,646,000	

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 49,275,000	50,057,000
General Fund Appropriation—Federal .....	17,930,000	18,178,000
General Fund Appropriation—Local .....	355,000	355,000

Total Appropriation ..... \$136,150,000

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

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$452,000 for fiscal year 1986, of which \$405,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap resources consolidated residential treatment center's alternative project. Of the \$452,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after December 31, 1985. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap resources consolidated shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	66,188,000	66,904,000
General Fund Appropriation—Federal	\$	3,103,000	3,116,000
Total Appropriation		\$139,311,000	

The appropriations in this subsection are subject to the following conditions and limitations: \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,439,000	1,438,000
General Fund Appropriation—Federal	\$	771,000	771,000
Total Appropriation		\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

		FY 1986	FY 1987
General Fund Appropriation—Federal	\$	111,000	111,000
Total Appropriation		\$222,000	

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	30,435,000	30,969,000
General Fund Appropriation—Federal	\$	26,046,000	26,252,000
Total Appropriation		\$113,702,000	

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	53,405,000	52,812,000
General Fund Appropriation—Federal	\$	37,330,000	37,330,000
Total Appropriation		\$180,877,000	

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,652,000	1,652,000
General Fund Appropriation—Federal	\$	388,000	388,000
Total Appropriation		\$4,080,000	

(4) SPECIAL PROJECTS

		FY 1986	FY 1987
General Fund Appropriation—State	\$	54,000	54,000
General Fund Appropriation—Federal	\$	606,000	606,000
Total Appropriation		\$1,320,000	

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

LONG-TERM CARE SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	137,965,000	132,964,000
General Fund Appropriation—Federal	\$	120,741,000	126,895,000
Total Appropriation		\$518,565,000	

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and \$188,104,000 for fiscal year 1987, of which \$94,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.

(b) Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985.

(c) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(d) \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted

for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) \$545,000 for fiscal year 1986 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, 1986.

**NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
INCOME ASSISTANCE PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 213,137,000	224,186,000
General Fund Appropriation—Federal .....	\$ 171,118,000	178,924,000
Total Appropriation .....	\$787,365,000	

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than June 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

**NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SOCIAL SERVICES PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 17,844,000	18,136,000
General Fund Appropriation—Federal .....	\$ 7,034,000	7,059,000
General Fund Appropriation—Local .....	\$ 82,000	83,000
Total Appropriation .....	\$50,238,000	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$441,000 for fiscal year 1986 and \$441,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase recovery house vendor rates, effective July 1, 1985.

(3) \$286,000 for fiscal year 1986, of which \$268,000 is from the general fund—state appropriation, and \$286,000 for fiscal year 1987, of which \$268,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for detoxification, effective July 1, 1985.

(4) The department shall ensure that grants to counties for alcohol and drug services are distributed to providers of such services on an equitable basis. Consideration shall be given to the percentage of indigent clients served by each provider and the resources available to such provider from other than public funds.

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 246,491,000	225,487,000
General Fund Appropriation—Federal .....	\$ 151,339,000	155,846,000
Total Appropriation .....	\$779,163,000	

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

(1) Vendor rate adjustments for the Indian health and family planning programs shall average 3% on January 1, 1986.

(2) \$610,000 for fiscal year 1986, of which \$185,000 is from the general fund—state appropriation, and \$610,000 for fiscal year 1987, of which \$185,000 is from the general fund—state appropriation, are provided solely for early and periodic screening, diagnosis and treatment services and family planning services under the limited casualty program for the medically needy.

(3) \$524,000 for fiscal year 1986, of which \$270,000 is from the general fund—state appropriation, and \$524,000 for fiscal year 1987, of which \$270,000 is from the general fund—state appropriation, are provided solely to increase fee maximums for maternity care services by up to ten percent.

(4) The legislature finds that rising hospital costs continue to be a matter of serious concern to the public and to the state government. The department shall continue to pay for inpatient hospital services principally on the basis of diagnosis-related groups. The department shall continue in force rateable reductions not less than those imposed in 1984 on hospital payments under the medical care services program and the limited casualty program for the medically indigent.

(5) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PUBLIC HEALTH PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 21,765,000	21,646,000
General Fund Appropriation—Federal .....	\$ 33,260,000	33,375,000
General Fund Appropriation—Local .....	\$ 4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)— Appropriation .....	\$ 22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation .....	\$ 28,908,000	
Total Appropriation .....		\$191,862,000

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private nonprofit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

(4) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

(5) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

(6) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in

cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

(7) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 6,347,000	6,235,000
General Fund Appropriation—Federal .....	\$ 14,684,000	14,686,000
Total Appropriation .....	\$41,952,000	

The appropriations in this section are subject to the following conditions and limitations: Vendor rate adjustments shall average 3% on January 1, 1986.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 31,922,000	31,049,000
General Fund Appropriation—Federal .....	\$ 19,555,000	19,477,000
General Fund—Institutional Impact Account Approp- riation .....	\$ 37,000	37,000
Total Appropriation .....	\$102,077,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 61,840,000	62,614,000
General Fund Appropriation—Federal .....	\$ 72,747,000	72,979,000
General Fund Appropriation—Local .....	\$ 366,000	366,000
Total Appropriation .....	\$270,912,000	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1985, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal. In administering the program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(3) The department shall develop a program to supplement the community work and training program for recipients of food stamps established under RCW 74.04.477. The supplemental program shall provide that the program be extended to an additional four counties, two east and two west of the Cascade mountains, and shall serve a minimum of three hundred recipients each year. The supplemental program shall be run under the same terms and conditions as set forth in RCW 74.04.477 and the regulations thereunder.

(4) The department shall develop a program to supplement the community work and training program for recipients of aid to families with dependent children established under RCW 74.04.473. The supplemental program shall provide for community work and training services to a minimum of four hundred recipients this biennium, under the same terms and conditions as set forth in RCW 74.04.473 and the regulations thereunder.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REVENUE COLLECTIONS PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 7,815,000	8,043,000

General Fund Appropriation—Federal .....	\$	15,556,000	16,093,000
Total Appropriation .....		\$47,507,000	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

<b>NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—</b>			
<b>REAPPROPRIATIONS</b>			
			FY 1986
General Fund Appropriation—State .....	\$	75,000,000	
General Fund Appropriation—Federal .....	\$	56,000,000	
General Fund Appropriation—Local .....	\$	1,000,000	
Total Appropriation .....	\$	132,000,000	

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations are for services and supplies not in excess of the unexpended balances of the 1983-1985 appropriations for such purposes.

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	6,383,000	6,146,000
General Fund Appropriation—Federal .....	\$	70,233,000	70,406,000
Total Appropriation .....		\$153,168,000	

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department

may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. If federal funds are available for the purposes of SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

		FY 1986	FY 1987
General Fund Appropriation—State	\$	8,466,000	8,375,000
General Fund Appropriation—Federal	\$	1,669,000	1,669,000
General Fund Appropriation—Local	\$	2,402,000	2,369,000
Total Appropriation		\$24,929,000	

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

(1) \$202,000 for fiscal year 1986 and \$202,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

(2) The department shall contract with the University of Washington's health policy analysis program to assess the potential for medicare certification and reimbursement in the state's veterans' homes. \$10,000 for fiscal year 1986 and \$10,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for the purposes described in this subsection.

**NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION**

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,477,000	1,477,000
General Fund Appropriation—Federal	\$	556,000	556,000
Total Appropriation		\$4,066,000	

**NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL**

		FY 1986	FY 1987
General Fund—Death Investigations Account			
Appropriation	\$	3,000	2,000
Total Appropriation		\$5,000	

**NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

		FY 1986	FY 1987
General Fund—Public Safety and Education			
Account Appropriation	\$	67,000	67,000
Accident Fund Appropriation	\$	1,893,000	1,848,000
Medical Aid Fund Appropriation	\$	1,893,000	1,848,000
Total Appropriation		\$7,616,000	

The appropriations in this section are subject to the following conditions and limitations: \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

**NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

		FY 1986	FY 1987
General Fund—Death Investigations Account			
Appropriation	\$	15,000	15,000
General Fund—Public Safety and Education			
Account Appropriation	\$	3,463,000	3,455,000
Total Appropriation		\$6,948,000	

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

		FY 1986	FY 1987
General Fund Appropriation	\$	4,014,000	3,795,000
General Fund—Public Safety and Education			
Account Appropriation	\$	3,952,000	3,954,000

Accident Fund Appropriation .....	\$	35,481,000	34,916,000
Electrical License Fund Appropriation .....	\$	3,642,000	3,651,000
Medical Aid Fund Appropriation .....	\$	34,530,000	33,868,000
Plumbing Certificate Fund Appropriation .....	\$	218,000	218,000
Pressure Systems Safety Fund Appropriation .....	\$	524,000	531,000
Worker and Community Right to Know Fund Appropriation .....	\$	540,000	961,000
Farm Worker Revolving Fund Appropriation—			
Local .....	\$	78,000	72,000
Total Appropriation .....		\$164,945,000	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under Substitute House Bill No. 199. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

NEW SECTION. Sec. 224. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation .....	\$	FY 1986 1,458,000	FY 1987 1,294,000
Total Appropriation .....		\$2,752,000	

The appropriations in this section are subject to the following conditions and limitations: \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

NEW SECTION. Sec. 225. FOR THE HOSPITAL COMMISSION

General Fund Appropriation .....	\$	FY 1986 950,000	FY 1987 883,000
General Fund—Hospital Commission Account			
Appropriation .....	\$	631,000	698,000
Total Appropriation .....		\$3,162,000	

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

(1) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for attorney general support. The attorney general shall assign at least one assistant attorney general to work with the commission on a full-time basis, and shall provide additional support if necessary in connection with any litigation arising from chapter 288, Laws of 1984.

(2) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to conduct formal hearings as the commission deems necessary.

(3) \$48,000 for fiscal year 1986 and \$48,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for audits of patient discharge data.

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State .....	\$	FY 1986 2,726,000	FY 1987 2,727,000
General Fund Appropriation—Federal .....	\$	75,144,000	75,308,000
General Fund Appropriation—Local .....	\$	3,869,000	3,869,000
Administrative Contingency Fund			
Appropriation—Federal .....	\$	3,204,000	2,640,000
Unemployment Compensation Administration Fund			
Appropriation .....	\$	52,696,000	51,901,000
Total Appropriation .....		\$274,082,000	

The appropriations in this section are subject to the following conditions and limitations: In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 1,111,000	1,109,000
General Fund Appropriation—Federal	\$ 1,918,000	1,912,000
Total Appropriation	\$6,050,000	

The appropriations in this section are subject to the following conditions and limitations: The department of services for the blind shall report to the legislature, no later than January 1, 1986, on its efforts to meet the needs of deaf-blind persons, particularly in the areas of improving access to existing services and coordination with other agencies. This report shall be written in conjunction with the divisions of vocational rehabilitation and developmental disabilities of the department of social and health services.

NEW SECTION, Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 346,000	346,000
General Fund Appropriation—Federal	\$ 36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropriation	\$ 21,232,000	11,904,000
Total Appropriation	\$33,900,000	

NEW SECTION, Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 318,000	276,000
Total Appropriation	\$594,000	

## PART III

## NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 818,000	777,000
General Fund Appropriation—Federal	\$ 7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal	\$ 42,000	44,000
General Fund—Building Code Council Account Appropriation	\$ 375,000	375,000
Total Appropriation	\$16,409,000	

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. This appropriation is limited to the amount of revenues in the building code council account.

NEW SECTION, Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 52,000	52,000
General Fund Appropriation—Private/Local	\$ 41,000	41,000
Total Appropriation	\$186,000	

NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 21,258,000	21,143,000
General Fund Appropriation—Federal	\$ 10,122,000	10,128,000
General Fund Appropriation—Private/Local	\$ 64,000	64,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation	\$ 2,000,000	2,000,000
General Fund—Special Grass Seed Burning Account Appropriation	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess: Reappropriation	\$ 3,000,000	3,570,000

Water Project Revolving Account Subtotal . . . . .	\$	3,311,000	3,905,000
General Fund—Litter Control Account Appropria- tion . . . . .	\$	2,356,000	2,394,000
General Fund—Water Quality Account Appropria- tion . . . . .	\$	10,000,000	90,000,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) . . . . .	\$	363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation . . .	\$	20,000,000	26,278,000
Referendum 26 Subtotal . . . . .	\$	20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) . . . . .	\$	39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation . . . . .	\$	100,000,000	97,400,000
Referendum 39 Subtotal . . . . .	\$	139,346,000	136,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities . . . . .	\$	3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation . . . . .	\$	18,000,000	18,043,000
Water Supply Subtotal . . . . .	\$	21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation . . . . .	\$	100,000	100,000
Total Appropriation . . . . .		\$548,460,000	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3703, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.

(7) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(8) Not more than \$10,286,000 of the general fund—state appropriation for fiscal year 1986 and \$10,196,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. This includes funds necessary to implement Engrossed Substitute House Bill No. 975.

(9) Not more than \$4,154,000 of the general fund—state appropriation for fiscal year 1986 and \$4,151,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:

- (a) Public water supply reservation;
- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

(10) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$2,133,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

(11) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(12) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.

(13) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.

(14) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of nonpoint source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:

- (a) The development of regulations designating priority shellfish protection resource areas;
- (b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and
- (c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.

NEW SECTION. Sec. 304. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	1,300,000	1,400,000
Total Appropriation . . . . .	\$2,700,000	

The appropriation in this section is contingent on the enactment of Engrossed Second Substitute Senate Bill No. 3828.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	388,000	388,000
Total Appropriation . . . . .	\$776,000	

NEW SECTION. Sec. 306. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

	FY 1986	FY 1987
General Fund Appropriation—Private/Local . . . . . \$	1,370,000	1,370,000
Total Appropriation . . . . .	\$2,740,000	

NEW SECTION. Sec. 307. FOR THE STATE PARKS AND RECREATION COMMISSION

FY 1986	FY 1987
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General Fund Appropriation—State .....	\$	17,328,000	16,628,000
General Fund Appropriation—Federal .....	\$	330,000	330,000
General Fund Appropriation—Private/Local .....	\$	326,000	326,000
General Fund—Trust Land Purchase Account Appropriation .....	\$	4,243,000	3,620,000
General Fund—Winter Recreation Parking Account Appropriation .....	\$	155,000	155,000
General Fund—Snowmobile Account Appropriation ..	\$	437,000	437,000
General Fund—Outdoor Recreation Account Approp- riation .....	\$	86,000	74,000
Motor Vehicle Fund Appropriation .....	\$	500,000	500,000
Total Appropriation .....		\$45,475,000	

**NEW SECTION, Sec. 308. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	185,000	182,000
General Fund Appropriation—Federal .....	\$	307,000	307,000
Total Appropriation .....		\$981,000	

**NEW SECTION, Sec. 309. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

		FY 1986	FY 1987
General Fund—Outdoor Recreation Account Approp- riation—State .....	\$	6,994,000	7,839,000
General Fund—Outdoor Recreation Account Appropriation— Federal .....	\$	2,767,000	3,026,000
Total Appropriation .....		\$20,626,000	

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

(1) A maximum of \$54,000 of the outdoor recreation account—state appropriation shall be used by the committee to update and expand the outdoor recreation guide required by RCW 43.99.142.

(2) A maximum of \$120,000 of the outdoor recreation account—state appropriation shall be used by the committee for grants to update the current off-road vehicle (ORV) plan as required by RCW 46.09.250.

**NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

		FY 1986	FY 1987
General Fund Appropriation .....	\$	12,266,000	11,815,000
Motor Vehicle Fund Appropriation .....	\$	258,000	261,000
Total Appropriation .....		\$24,600,000	

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

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) \$200,000 of the general fund—state appropriation is provided solely for vocational training in the community college system. If House Bill No. 1207 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(5) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board.

**NEW SECTION, Sec. 311. FOR THE DEPARTMENT OF FISHERIES**

		FY 1986	FY 1987
General Fund Appropriation—State .....	\$	21,550,000	21,550,000
General Fund Appropriation—Federal .....	\$	5,406,000	5,518,000
General Fund Appropriation—Private/Local .....	\$	1,425,000	1,424,000
General Fund—Aquatic Lands Enhancement Account Appropriation .....	\$	157,000	157,000
Total Appropriation .....		\$57,187,000	

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

(1) Not more than \$204,000 of the general fund—state appropriation shall be expended in each fiscal year for the increased departmental and tribal coordination and planning of the salmon fishery management.

(2) \$404,000 of the general fund—state appropriation or so much thereof as may be necessary shall be expended on developing long-term regional salmon fishery resource policy statements and a detailed salmon enhancement plan with proposed enhancement projects, and identifying the full production capacity of the salmon hatcheries.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF GAME**

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle) Account		
Appropriation .....	\$ 123,000	124,000
General Fund—Aquatic Lands Enhancement		
Account Appropriation .....	\$ 158,000	158,000
General Fund—Public Safety and Education		
Account Appropriation .....	\$ 233,000	245,000
Game Fund Appropriation—State .....	\$ 20,054,000	19,585,000
Game Fund Appropriation—Federal .....	\$ 5,664,000	5,803,000
Game Fund Appropriation—Private/Local .....	\$ 647,000	646,000
Game Fund—Special Wildlife Account Appropria- tion .....	\$ 148,000	148,000
Total Appropriation .....	\$53,736,000	

**NEW SECTION. Sec. 313. FOR THE STATE CONVENTION AND TRADE CENTER**

	FY 1986	FY 1987
General Fund—State Convention and Trade Center		
Account Appropriation .....	\$ 2,270,000	2,643,000
Total Appropriation .....	\$4,913,000	

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 15,799,000	14,992,000
General Fund Appropriation—Federal .....	\$ 129,000	129,000
General Fund—ORV (Off-Road Vehicle) Account		
Appropriation .....	\$ 1,508,000	1,488,000
General Fund—Geothermal Account Appropria- tion—Federal .....	\$ 8,000	8,000
General Fund—Forest Development Account Appropria- tion .....	\$ 6,606,000	6,481,000
General Fund—Survey and Maps Account Appropria- tion .....	\$ 362,000	369,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation .....	\$ 708,000	724,000
General Fund—Resource Management Cost Account Appropriation .....	\$ 24,595,000	24,655,000
Total Appropriation .....	\$98,561,000	

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

(1) \$601,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and \$581,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE**

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 7,482,000	7,352,000
General Fund Appropriation—Federal .....	\$ 387,000	354,000
General Fund—Feed and Fertilizer Account Appropria- tion .....	\$ 10,000	7,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropria- tion .....	\$ 214,000	220,000
Commercial Feed Fund Appropriation .....	\$ 246,000	236,000
Seed Fund Appropriation .....	\$ 486,000	498,000
Nursery Inspection Fund Appropriation .....	\$ 315,000	316,000
Total Appropriation .....	\$18,123,000	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

NEW SECTION. Sec. 316. FOR THE CONSERVATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 182,000	182,000
Total Appropriation .....	\$364,000	

NEW SECTION. Sec. 317. FOR THE WASHINGTON CENTENNIAL COMMISSION

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 754,000	739,000
General Fund—State Centennial Commission		
Account Appropriation .....	\$ 77,000	145,000
Total Appropriation .....	\$1,715,000	

NEW SECTION. Sec. 318. FOR THE WORLD FAIR COMMISSION

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 3,384,000	504,000
Total Appropriation .....	\$3,888,000	

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

(1) Not more than \$354,000 shall be used for commission administration and oversight in fiscal year 1986.

(2) \$247,000 is provided for operation of the state of Washington exhibit at EXPO '86 in fiscal year 1986.

(3) \$2,783,000 is provided for the development and construction of the state of Washington exhibit at EXPO '86 in fiscal year 1986.

PART IV  
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE STATE PATROL

	FY 1986	FY 1987
General Fund Appropriation—State .....	\$ 6,614,000	6,541,000
General Fund Appropriation—Federal .....	\$ 70,000	70,000
General Fund Appropriation—Private/Local .....	\$ 718,000	539,000
General Fund—Death Investigations Account		
Appropriation .....	\$ 12,000	12,000
Total Appropriation .....	\$14,576,000	

The appropriations in this section are subject to the following conditions and limitations: \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. If the bill is not enacted before July 1, 1985, the amounts provided shall revert.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 6,366,000	5,319,000
General Fund—Architects' License Account Approp- riation .....	\$ 234,000	234,000
General Fund—Medical Disciplinary Account		
Appropriation .....	\$ 440,000	440,000
General Fund—Health Professions Account Approp- riation .....	\$ 2,826,000	2,770,000
General Fund—Professional Engineers' Account		
Appropriation .....	\$ 441,000	436,000
General Fund—Real Estate Commission Account		
Appropriation .....	\$ 2,834,000	2,434,000
Total Appropriation .....	\$24,774,000	

NEW SECTION. Sec. 403. FOR THE MARINE EMPLOYEES' COMMISSION

	FY 1986	FY 1987
Motor Vehicle Fund—Puget Sound Ferry Operations		
Account Appropriation .....	\$ 137,000	137,000
Total Appropriation .....	\$274,000	

PART V  
EDUCATIONNEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State .....	\$	19,173,000
General Fund Appropriation—Federal .....	\$	7,412,000
General Fund—Public Safety and Education Account Appropriation .....	\$	464,000
Total Appropriation .....	\$	27,049,000

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

(1) The general fund—public safety and education account appropriation may be expended 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) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) \$1,550,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation .....	\$	9,568,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation .....	\$	3,465,393,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) \$317,285,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through (d) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) 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 unit.

(d) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(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.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school

year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 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 \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than \$999,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal 1987.

**NEW SECTION, Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION**

(1) For the purposes of sections 503 and this section, the following conditions and limitations apply:

(a) "LEAP Document 7" means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) Each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the districts prior year staff mix factor calculated using LEAP Document 1.

(c) Each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized for the district's basic education program.

(b) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

(c) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(d) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

**NEW SECTION, Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PART-TIME CLASSIFIED EMPLOYEE INSURANCE BENEFITS**

General Fund Appropriation ..... \$ 4,381,000

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$4,381,000 may be allocated during the months of July and August 1985 for insurance benefits for part-time classified employees as specified in section 503(8) of Engrossed Substitute House Bill No. 386 for such benefits for the time period from September 1, 1984, through June 30, 1985.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS**

General Fund Appropriation—State ..... \$ 355,371,000  
 General Fund Appropriation—Federal ..... \$ 30,153,000  
 Total Appropriation ..... \$ 385,524,000

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

(1) \$32,235,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 and 1986-87 school years in accordance with a district's actual handicapped enrollments and the allocation model established in new LEAP Document 8 as developed by the legislative evaluation and accountability program committee on April 18, 1985, at 9:21 hours.

(3) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State ..... \$ 20,982,000  
 General Fund Appropriation—Federal ..... \$ 6,663,000  
 Total Appropriation ..... \$ 27,645,000

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

(1) A maximum of \$10,449,000 of the general fund—state appropriation may be expended for the 1985-86 school year, distributed as follows:

(a) A maximum of \$4,745,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,927 per full time equivalent student.

(b) A maximum of \$3,203,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,550 per full time equivalent student.

(c) A maximum of \$275,844 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,448 per full time equivalent student.

(d) A maximum of \$532,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,326 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,695,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,851 per full time equivalent student.

(2) A maximum of \$10,089,000 of the general fund—state appropriation may be expended for the 1986-87 school year, distributed as follows:

(a) A maximum of \$4,465,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,967 per full time equivalent student.

(b) A maximum of \$3,116,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,555 per full time equivalent student.

(c) A maximum of \$276,000 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,456 per full time equivalent student.

(d) A maximum of \$533,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,319 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,698,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,859 per full time equivalent student.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation ..... \$ 9,342,000

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

(1) \$760,000 is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent shall distribute funds for the 1985-86 and 1986-87 school years at a maximum rate of \$410 per eligible student.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE**

General Fund Appropriation ..... \$ 24,733,000

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

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation ..... \$ 4,918,000

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

(1) \$408,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of \$2,326,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of \$2,391,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal ..... \$ 108,324,000

(1) Education Consolidation and Improvement Act ..... \$ 105,360,000

(2) Education of Indian Children ..... \$ 335,000

(3) Adult Basic Education ..... \$ 2,629,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation ..... \$ 63,312,000

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

(1) Funding for vocational programs during the 1985-86 school year shall be distributed at a rate of \$2,779 per student for a maximum of 11,255 full time equivalent students.

(2) Funding for vocational programs during the 1986-87 school year shall be distributed at a rate of \$2,820 per student for a maximum of 11,255 full time equivalent students.

(3) Not more than \$779,000 of this appropriation may be expended for adult basic education programs.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation ..... \$ 2,332,000

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

(1) Not more than \$1,166,000 of this appropriation shall be expended during fiscal year 1986.

(2) The appropriation in this section is intended to provide an average state support level of \$750 per student for fiscal year 1986 and \$779 per student for fiscal year 1987.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation ..... \$ 208,894,000

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

(1) A maximum of \$92,238,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.

(2) A maximum of \$755,000 may be expended for regional transportation coordinators.

(3) A maximum of \$56,000 may be expended for bus driver training.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State ..... \$ 6,000,000

General Fund Appropriation—Federal ..... \$ 69,584,000

Total Appropriation ..... \$ 75,584,000

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund—Public Safety  
and Education Account Appropriation . . . . . \$ 15,123,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$549,000 may be expended for regional traffic safety education coordinators.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund Appropriation . . . . . \$ 4,126,000

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

(1) Not more than \$2,017,000 of this appropriation is provided for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(2) Not more than \$831,000 of this appropriation is provided for teacher training in drug and alcohol abuse education and prevention in grades K through 12.

(3) Not more than \$623,000 of this appropriation is provided for pilot programs to encourage potential high school drop-outs to remain in school.

(4) Not more than \$575,000 of this appropriation is provided for a contract with the Pacific Science Center for educational programs serving public schools.

(5) Not more than \$80,000 of this appropriation is provided for a contract with the Cispus learning center for environmental education programs.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund Appropriation . . . . . \$ 255,000

The appropriation in this section is subject to the following conditions and limitations: These funds shall be expended for teacher in-service training in math, science, and computer technology.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601. HIGHER EDUCATION**

The appropriations in sections 602 through 609 of this act are subject to the following conditions and limitations:

(1) (a) It is the intent of the legislature that cost reductions related to enrollment reductions shall be phased in over four years to the extent financial circumstances of the state allow. Costs associated with enrollment reductions in this act are phased in to the extent they represent the difference between the total cost of a full time equivalent student divided by the total institutional budget (research, public service, and hospital expenditures not included) and the fiscal year 1985 budgeted direct student instructional and support costs. This subsection is explanatory only, and does not affect any requirements imposed in this act.

(b) A legislative committee on enrollment policy is established to provide an enrollment policy recommendation to the 1986 legislature. The committee shall consist of:

(i) Four members of the senate, to be appointed by the president of the senate, with equal representation of the two largest caucuses of the senate;

(ii) Four members of the house of representatives, to be appointed by the speaker of the house of representatives, with equal representation of the two largest caucuses of the house of representatives;

(iii) Four citizen members, to be appointed by the governor; and

(iv) The following nonvoting members, to be appointed by the governor:

(A) One representative from each research university;

(B) One representative from the regional universities;

(C) One representative from the state community college system; and

(D) One representative of the governor's office.

(c) The chairperson of the committee shall be elected from among the legislative members of the committee. The chairperson shall develop rules and procedures in consultation with the committee or an executive committee designated by the committee.

(d) Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. Nonlegislative members shall be reimbursed by the senate and house of representatives for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) No funds may be used for the inauguration or operation of new degree programs until the program has been reviewed and favorably recommended by the council for postsecondary education or its successor agency.

(3) The expenditure per student requirements in sections 602 through 608 of this act may be reduced by two percent if the director of financial management certifies, on or before the tenth day of the last regular instructional period of the fiscal biennium, that the failure to meet the minimum support per student is attributable to financial or other circumstances beyond the control of the institution. The director's rationale for granting the waiver shall be transmitted to the legislative ways and means committees within ten days of notification to the institution.

(4) No state funds may be used for the direct support of intercollegiate athletics other than specifically allowed for that purpose in this act. It is the intent of the legislature that no state funds will be spent on intercollegiate athletics after December 31, 1989.

(5) Off-campus courses that are intended to provide graduate educational opportunities for employed adults shall be offered on a partially or completely self-sustaining basis to the greatest extent feasible.

(6) Institutions may establish summer school as a self-supporting program through an interagency agreement with the office of financial management. There shall be no net impact on the state general fund based on the initial 1985-87 budget assumptions.

(7) Moneys appropriated in this act shall not be spent for salary schedule increments for longevity or professional advancement for community college faculty or exempt staff.

(8) A report, including relevant descriptive data, on the progress of the institutions of higher education in meeting the objectives of affirmative action and state policies on women and minority businesses in the hiring of personnel at the management level shall be prepared and submitted by the first day of each October for the review of the council for postsecondary education. The council shall submit a report on the information and degree of compliance with such standards to the legislative ways and means committees each November 1.

**NEW SECTION. Sec. 602. HIGHER EDUCATION—INSTITUTIONAL LOAN FUND TRANSFERS**

For the purpose of assisting the various institutions of higher education in meeting emergency financial problems, the institutions of higher education are directed to transfer the following amounts from the institutional loan fund established in RCW 28B.15.820 to their respective local general funds:

University of Washington .....	\$	1,869,000
Washington State University .....	\$	817,000
Eastern Washington University .....	\$	285,000
Central Washington University .....	\$	251,000
The Evergreen State College .....	\$	130,000
Western Washington University .....	\$	339,000
State board for community college education .....	\$	1,458,000

The transfer authority shall be in effect only for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

		FY 1986	FY 1987
General Fund Appropriation .....	\$	239,035,000	239,035,000
Total Appropriation .....		\$478,070,000	

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

(1) \$130,069,000 from the fiscal year 1986 general fund appropriation and \$130,068,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$1,573 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. A maximum of \$160,000 may be spent on activities related to federated learning centers.

(2) \$1,920,000 from the fiscal year 1986 general fund appropriation and \$1,920,000 from the fiscal year 1987 general fund appropriation are provided solely for the operation of the state board office.

(3) The office of financial management shall initially allot for the following:

(a) Equipment .....	\$9,849,000
(b) Plant operations and maintenance .....	\$61,424,000

(4) A maximum of \$648,000 may be spent for intercollegiate sports purposes.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

		FY 1986	FY 1987
General Fund Appropriation .....	\$	220,985,000	220,712,000
Medical Aid Fund Appropriation .....	\$	1,059,000	1,059,000
Accident Fund Appropriation .....	\$	1,059,000	1,059,000
General Fund—Death Investigations			
Account Appropriation .....	\$	335,000	379,000
Total Appropriation .....		\$446,647,000	

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

(1) \$130,034,000 from the fiscal year 1986 general fund appropriation and \$129,742,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$4,437 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. A maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) The office of financial management shall initially allot for the following:

(a) Equipment .....	\$6,489,000
(b) Plant operations and maintenance .....	\$48,148,000

(3) Salary increases, other than normal increments, for the faculty of the University of Washington, effective March 1, 1986, may be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by November 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made before any salary increases are granted from this appropriation, but not later than January 1, 1986.

(4) A maximum of \$400,000 may be spent for costs of initiating in underserved urban areas those undergraduate programs that are intended to become substantially self-supporting. Full time enrollments resulting from expenditures under this subsection are not subject to the conditions of subsection (1) of this section.

(5) The university may develop and/or operate a cardiac transplantation unit. The university shall provide a report to the senate and house ways and means committees on January 1, 1986, and January 1, 1987. The report shall detail total expenditures to date by fiscal year and by each fund source relating to the development and/or operation of the cardiac transplantation unit and shall include expenditures from all fund sources.

NEW SECTION, Sec. 605. FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 125,424,000	124,863,000
Total Appropriation . . . . .	\$250,287,000	

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

(1) \$55,456,000 from the fiscal year 1986 general fund appropriation and \$55,298,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,559 per regular session full time equivalent student shall be spent from the state general fund in the instruction program.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment . . . . . \$2,521,000
- (b) Plant operations and maintenance (09) . . . . . \$33,092,000
- (c) Agriculture Research (021) . . . . . \$23,573,000
- (d) Cooperative Extension (032) . . . . . \$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1984, 1985, 1986, and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986. The submittal of the plan is a condition for the allocation of state research funds for use by the college after January 1, 1986.

(5) Salary increases, other than normal increments, for the faculty of Washington State University, effective March 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by November 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made before any salary increases are granted from this appropriation, but not later than January 1, 1986.

(6) No more than \$7,500 per full time equivalent enrollment averaged for the biennium shall be spent at the southwest joint center for education on the total cost of providing education programs as authorized by the legislature.

(7) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 35,477,000	35,401,000
Total Appropriation . . . . .	\$70,878,000	

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

(1) \$18,052,000 from the fiscal year 1986 general fund appropriation and \$17,978,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,659 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, a maximum of \$111,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment \$719,000
- (b) Plant operations and maintenance \$13,072,000

(3) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	30,688,000	30,673,000
Total Appropriation . . . . .	\$61,361,000	

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

(1) \$15,903,000 from the fiscal year 1986 general fund appropriation and \$15,889,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,716 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, a maximum of \$167,000 may be spent for departmental research fellowships, limited to no more than three months per award. A maximum of \$40,000 may be spent on federated learning centers.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment \$658,000
- (b) Plant operations and maintenance \$9,848,000

(3) A maximum of \$441,000 may be spent on intercollegiate sports activities.

NEW SECTION, Sec. 608. FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	16,519,000	16,489,000
Total Appropriation . . . . .	\$33,008,000	

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

(1) \$6,751,000 from the fiscal year 1986 general fund appropriation and \$6,732,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,859 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, a maximum of \$194,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(2) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(3) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(4) The office of financial management shall initially allot for the following:

- (a) Equipment \$590,000
- (b) Plant operations and maintenance \$6,184,000

(5) A maximum of \$178,000 may be spent on intercollegiate sports activities.

(6) A maximum of \$469,000 may be spent for enrollments in underserved urban areas. Full time equivalent enrollments resulting from expenditures under this subsection are not subject to the conditions of subsection (1) of this section.

NEW SECTION, Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	38,107,000	38,028,000
Total Appropriation . . . . .	\$76,134,000	

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

(1) \$22,301,000 from the fiscal year 1986 general fund appropriation and \$22,214,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,760 per regular session full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, a maximum of \$287,000 may be spent for departmental research

fellowships, limited to no more than three months per award. A maximum of \$40,000 may be spent on federated learning centers.

(2) \$612,000 is provided to partially equalize the support resources among the regional institutions.

(3) The office of financial management shall initially allot for the following:

(a) Equipment	\$1,620,000
(b) Plant operations and maintenance	\$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

**NEW SECTION, Sec. 610. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 18,117,000	18,118,000
General Fund Appropriation—Federal	\$ 1,817,000	1,817,000
State Educational Grant Appropriation	\$ 20,000	20,000
Total Appropriation	\$39,909,000	

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

(1) \$16,824,000 from the fiscal year 1986 general fund—state appropriation and \$16,824,000 from the fiscal year 1987 general fund—state appropriation are provided solely for student financial aid, including administrative costs. The council's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The council shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the council. To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

**NEW SECTION, Sec. 611. FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 3,513,000	2,763,000
General Fund Appropriation—Federal	\$ 11,280,000	11,280,000
General Fund—Fire Service Training Account Appropriation	\$ 250,000	250,000
Total Appropriation	\$29,336,000	

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

(1) No state funds may be used by the advisory council for vocational education.

(2) \$750,000 of the general fund—state appropriation is provided solely for services and supplies in the job skills program initiated but not completed during the 1983-85 biennium.

(3) If Substitute Senate Bill No. 3442 is not enacted by July 1, 1985, the fire service training account appropriations in this section shall revert.

(4) A maximum of \$2,980,390 is provided for the fire service training program, of which \$1,288,801 is from the general fund—state appropriation, \$1,191,589 is from the general fund—federal appropriation, and \$500,000 is from the fire service training account appropriation.

**NEW SECTION, Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

	FY 1986	FY 1987
Higher Education Personnel Board Service Fund Appropriation	\$ 780,000	781,000
Total Appropriation	\$1,561,000	

**NEW SECTION, Sec. 613. FOR THE STATE LIBRARY**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 4,262,000	4,262,000
General Fund Appropriation—Federal	\$ 1,188,000	1,188,000
General Fund Appropriation—Private/Local	\$ 50,000	50,000
Washington Library Network Computer System Revolving Fund Appropriation—Private/Local	\$ 6,281,000	6,943,000
Total Appropriation	\$24,224,000	

**NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 1,952,000	1,586,000
General Fund Appropriation—Federal	\$ 469,000	469,000
Total Appropriation	\$4,476,000	

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund—state appropriation may be expended for works of art in the rotunda area of the legislative building, assisted by the joint legislative arts committee, to assist in the recognition of the 1989 Centennial. The works of art shall depict the early history of the state of Washington and its natural resources, agriculture, economy, and industry.

**NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

FY 1986	FY 1987
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General Fund Appropriation .....	\$	315,000	315,000
Total Appropriation .....		\$630,000	
<u>NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	313,000	313,000
Total Appropriation .....		\$626,000	
<u>NEW SECTION. Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION</u>			
		FY 1986	FY 1987
General Fund Appropriation .....	\$	281,000	281,000
General Fund—State Capitol Historical Association			
Museum Account Appropriation .....	\$	56,000	56,000
Total Appropriation .....		\$674,000	

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State .....	\$	1,700,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 702. FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

		FY 1986	FY 1987
General Fund Appropriation .....	\$	26,790,000	
Special Fund Salary Increase			
Revolving Fund Appropriation .....	\$	19,120,000	
Total Appropriation .....	\$	45,910,000	

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

(1) \$2,578,000 of the general fund appropriation and \$1,305,000 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of \$983.72 + (\$3.28 x points) and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. The adjustments shall take place July 1, 1985, and July 1, 1986, and shall equal \$75 a year for all affected classes and employees.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The selection of the independent consultant shall be made after consulting with the state government committee of the house of representatives and the governmental operations committee of the senate. The consultant shall:

- (a) Review the Willis methodology for any potential gender bias and make any necessary adjustments;
- (b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years and eliminate any potential gender bias;
- (c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes and eliminates any potential gender bias; and
- (d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$23,612,000 of the general fund appropriation and \$17,815,000 of the special fund salary increase revolving fund appropriation are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. vs. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590. The settlement shall result in complete discharge of all claims relating to Cause Nos. C82-4657, 84-3569, and 84-3590 of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board. The governor as the chief executive officer of the

state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. vs. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before January 1, 1987, and until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The settlement, if ratified by the legislature, shall not be construed as compliance with RCW 41.06.155 and 28B.16.116.

(7) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1987, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(8) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

**NEW SECTION, Sec. 703. FOR INSURANCE BENEFITS**

(1) The monthly contributions for insurance benefits shall not exceed \$167 per eligible employee.

(2) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1985-87 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(3) 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 upon which coverage is extended.

**NEW SECTION, Sec. 704. FOR THE GOVERNOR—RETIREMENT CONTRIBUTIONS**

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 41,700,000	-0-
Total Appropriation . . . . .	\$41,700,000	

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

(1) The governor shall transfer \$25,700,000 of the general fund appropriation to the department of retirement systems during July and August 1985 solely for payment to the teachers' retirement system.

(2) The governor shall allocate not more than \$16,000,000 to the superintendent of public instruction to be used solely for employer contributions to the teachers' retirement system for school and educational service districts during the 1985-86 school year for nonstate-supported certificated staff.

**NEW SECTION, Sec. 705. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS**

	FY 1986	FY 1987
General Fund Appropriation . . . . .	\$ 114,000,000	114,000,000
Total Appropriation . . . . .	\$228,000,000	

**NEW SECTION, Sec. 706. FOR THE STATE TREASURER—TRANSFERS**

<b>General Fund Appropriation: For transfer to the General Fund—</b>		
Institutional Impact Account . . . . .	\$	350,000
<b>General Fund Appropriation: For transfer to the Energy Account—</b>		
Nonappropriated, for interest earned in prior biennia . . . . .	\$	164,733
<b>General Fund Appropriation: For transfer to the General Fund—</b>		
Flood Control Assistance Account pursuant to RCW 86.26.007 . . . . .	\$	4,000,000
<b>General Fund—Forest Development Account Appropriation: For transfer to the General Fund—Resource Management Cost Account to the extent funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers . . . . .</b>		
	\$	11,908,000
<b>Motor Vehicle Fund—Highway Stabilization Account Appropriation: For transfer to the Motor Vehicle Fund—State . . . . .</b>		
	\$	25,000,000

Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1985, through June 30, 1987	\$ 11,250,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1987, an amount up to \$9,853,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1988, for credit to the fiscal year in which earned	\$ 9,853,000
General Fund—Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the General Fund—Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$ 600,000
General Fund Appropriation: For transfer to the Tort Claims Revolving Fund on June 30, 1985	\$ 2,000,000
General Fund Appropriation: For transfer to the Tort Claims Revolving Fund as required to maintain a positive working capital balance	\$ 2,000,000
<b>NEW SECTION, Sec. 707. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS</b>	
General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 14,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 72,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 327,000
<b>NEW SECTION, Sec. 708. FOR BELATED CLAIMS</b>	
(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund	\$ 1,145,000
(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, 1987, except as otherwise noted.	
To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:	
General Fund—Criminal Justice	
Training Account	\$ 4,094
General fund—Institutional Impact Account	\$ 30,593
General Fund—Architects' License Account	\$ 1,277
General Fund—Cemetery Account	\$ 10
General Fund—Trust Land Purchase Account	\$ 73
General Fund—Archives and Records Management Account	\$ 5,987
General Fund—Judiciary Education Account	\$ 249
General Fund—State Timber	
Tax Reserve Account	\$ 169
General Fund—Health Professions Account	\$ 110
General Fund—Professional Engineers' Account	\$ 218
General Fund—Real Estate Commission Account	\$ 19,933
General Fund—State Investment Board	
Expense Account	\$ 5,732
General Fund—Capitol Building	
Construction Account	\$ 30,618
General Fund—Motor Transport Account	\$ 10,539
General Fund—State Capitol Historical Association Museum Account	\$ 67
General Fund—Resource Management Cost Account	\$ 31,248
General Fund—Litter Control Account	\$ 2,767
General Fund—Traffic Safety Education Account	\$ 292
General Fund—Salmon Enhancement	
Construction Account	\$ 5,982
General Fund—State Building Account	\$ 10,680
General Fund—L.I.R. Water Supply	
Facilities Account	\$ 359
General Fund—State Social and Health Services Construction Account	\$ 60,813

General Fund—Fisheries Capital		
Projects Account	\$	1,760
Grade Crossing Protective Fund	\$	1,772
State Patrol Highway Account	\$	47,224
Fertilizer, Agriculture, Mineral and Lime Fund	\$	131
Commercial Feed Fund	\$	296
Seed Fund	\$	2,863
Electrical License Fund	\$	1,943
State Game Fund	\$	41,881
Highway Safety Fund	\$	8,351
Motor Vehicle Fund	\$	21,502
Public Service Revolving Fund	\$	21,945
Horse Racing Commission Fund	\$	1,516
State Treasurer's Service Fund	\$	6,831
Legal Services Revolving Fund	\$	3,818
General Administration Facilities and Services Revolving Fund	\$	996
Department of Personnel Service Fund	\$	8,604
State Employees' Insurance Fund	\$	3,355
Data Processing Revolving Fund	\$	860
State Auditing Services Revolving Fund	\$	338
Liquor Revolving Fund	\$	18,665
Department of Retirement Systems Expense Fund	\$	1,456
Accident Fund	\$	15,683
Medical Aid Fund	\$	15,720
Washington Library Network Computer System Revolving Fund	\$	9,647

**NEW SECTION, Sec. 709. FOR SUNDRY CLAIMS**

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) In settlement of all claims for expenses in *Fox v. State*, Superior Court for King County, Judgment No. 83-2-16479-6, pursuant to RCW 9.01.200, including interest. . . . \$ 4,280.00
- (2) In settlement of all claims for expenses in *State v. Christian*, Superior Court for King County, Judgment No. 59720, pursuant to RCW 9.01.200, including interest. . . . \$ 4,880.00
- (3) In settlement of all claims for expenses in *State v. Thew*, District Court for Spokane County, Judgment No. 8314016, pursuant to RCW 9.01.200, including interest. . . . \$ 1,385.00
- (4) In settlement of all claims for expenses in *State v. Thacker*, Superior Court for Kitsap County, Judgment No. C-3363, pursuant to RCW 9.01.200, including interest. . . . \$ 37,715.00
- (5) In settlement of all claims for expenses in *State v. Brusseau*, Superior Court for Spokane County, Judgment No. 8410532, pursuant to RCW 9.01.200, including interest. . . . \$ 900.38
- (6) In settlement of all claims for expenses in *Niederer v. Powers*, Superior Court for King County, Judgment No. 82-5-50674-6, pursuant to RCW 9.01.200. . . . \$ 3,250.00
- (7) In settlement of all claims for expenses in *Carrillo v. State*, Superior Court for King County, Judgment No. 84-2-10706-5, pursuant to RCW 9.01.200, including interest. . . . \$ 8,812.20
- (8) In settlement of all claims for expenses in *Lindsey v. Murphy Brothers Construction, Inc.*, Superior Court for Ferry County, Judgment No. 7081, pursuant to RCW 9.01.200, including interest. . . . \$ 5,607.22
- (9) In settlement of all claims for expenses in *Keith v. Cain*, Superior Court for King County, Judgment No. 83-2-00358-0, pursuant to RCW 9.01.200. . . . \$ 3,427.72
- (10) Department of Social and Health Services: (a) Payment for medical insurance premiums for the month of July 1976 due the Health Care Financing Administration. . . . \$ 300,190.30  
 (b) Payment of judgment in *Washington Natural Gas Co. v. State*, Superior Court for King County, Judgment No. 80-2-04165-7, including interest. . . . \$ 52,330.00  
 (c) In settlement of all claims of the parties in *Boyce, et al. v.*

DSHS, Superior Court for Thurston County, Judgment No. 80-2-00309-4, including interest	\$	315,307.00
(d) Payment of judgment in United Nursing Homes v. State, Superior Court for Thurston County, Judgment No. 80-2-01170-4, including interest: PROVIDED, That to the extent that federal financial participation is available, the department of social and health services shall apply such funds before using this appropriation	\$	72,222.41
(e) In settlement of all claims of the parties in Washington Federation of State Employees v. State, Superior Court for Thurston County, Cause No. 80-2-00966-1	\$	71,840.93
(11) Irwin & Associates, Payment of judgment in Irwin v. State, Superior Court for King County, Judgment No. 84-2-18326-8, including interest	\$	56,510.00
(12) Michael R. Boespflug, In settlement of all claims in State v. State Credit Assoc., Inc., Superior Court for King County, Judgment No. 848-936 including interest	\$	34,709.40
(13) In settlement of all claims of the parties in Burman v. State, Superior Court for King County, Cause No. 82-2-09155-3: PROVIDED, That payment shall be made from the Public Safety and Education Account, under the control of the court, and any remaining balance be returned to the state	\$	1,200,000.00
(14) William J. Rush, Payment of judgment in State v. American Antenna Corp., Superior Court for Pierce County, Judgment No. 82-2-01064-8	\$	80,000.00
(15) Ray A. Bonderman, Payment for loss of personal property while under protection of the department of fisheries	\$	889.80
(16) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Ray Beller	\$	4,086.03
(b) Barry J. Wheeler	\$	2,150.72
(c) Robert M. Smith	\$	600.05
(d) Richard E. Rubenser	\$	22,107.05
(e) John Frank Thelen	\$	4,885.00
(f) Lewis B. Cox	\$	4,224.50
(g) Frank Saitta	\$	3,320.00
(h) David K. Billingsley	\$	1,441.80
(i) Patrick A. Wolf	\$	5,928.00
(j) Dean C. Farrens	\$	2,524.50
(17) Office of the Attorney General, payment of judgments for costs (United States Court of Appeals, Third Circuit, Judgment dated May 23, 1983, in appeal Nos. 81-2341/50; United States District Court, Eastern District of Pennsylvania, Judgment dated August 9, 1983 in M.D.L. No. 323; and United States Court of Appeals, Third Circuit, Judgment dated September 6, 1984 in appeal No. 83-1742), including interest, pursuant to Agreement Re Satisfaction of Judgments which, upon payment of that amount as a result of authorization from the current session, will fully and completely discharge the state from any and all further claims under the judgments	\$	34,035.86
(18) Anthony Schwab, Payment of judgment in State v. Schwab, Supreme Court No. 50756-2, including interest	\$	2,298.45
<u>NEW SECTION, Sec. 710. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION</u>		
General Fund Appropriation for fire insurance premiums tax distribution	\$	4,337,900
General Fund Appropriation for public utility district excise tax distribution	\$	21,932,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	43,415,000
General Fund Appropriation for local mass transit assistance	\$	136,800,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,263,292
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	22,073
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	18,778,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	269,336,034
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	44,000,000
General Fund—Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	37,760,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	23,378,000
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	7,858,000
General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	200,000
Total Appropriation	\$	610,788,370
<u>NEW SECTION. Sec. 711. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION</u>		
Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	25,164,000
General Fund Appropriation for federal flood control funds distribution	\$	30,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
General Fund—Geothermal Account Appropriation	\$	117,260
General Fund Appropriation for distribution to counties in conformance with Public Law 97-99	\$	837,896
Total Appropriation	\$	26,199,156
<u>NEW SECTION. Sec. 712. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES</u>		
Fisheries Bond Redemption Fund 1977 Appropriation	\$	3,476,774
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,666,130
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,746,565
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,626,243
Highway Bond Retirement Fund Appropriation	\$	138,861,113
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	234,600
Higher Education Bond Redemption Fund 1977 Appropriation	\$	15,087,751
Ferry Bond Retirement Fund 1977 Appropriation	\$	29,142,170
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,594,770
General Administration Building Bond Redemption Fund Appropriation	\$	29,425
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,470,955
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	3,215,565
Spokane River Toll Bridge Account Appropriation	\$	886,400
Higher Education Bond Retirement Fund 1979 Appropriation	\$	32,531,592
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	208,589,280
Fisheries Bond Redemption Fund 1976 Appropriation	\$	766,136
State Building Bond Redemption Fund 1967 Appropriation	\$	652,100
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	16,067,247
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,876,110
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,276,470
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,015,067
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,240,447
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,456,880
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	98,604,041
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,974,758
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,734,611
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,990,090
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,508,345
State Building Authority Bond Redemption Fund Appropriation	\$	9,562,105
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	276,830
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,165,915

Washington State University Bond Redemption Fund 1977 Appropriation .....	\$	559,295
Higher Education Bond Redemption Fund 1975 Appropriation .....	\$	2,173,165
State Building Bond Redemption Fund 1973 Appropriation .....	\$	3,824,535
State Building Bond Retirement Fund 1975 Appropriation .....	\$	1,358,440
State Higher Education Bond Redemption Fund 1973 Appropriation .....	\$	4,374,678
Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	9,480,564
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation .....	\$	375,371
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,457,123
State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,201,300
State Facilities Renewal Bond Retirement Fund Appropriation .....	\$	6,356,000
Total Appropriation .....	\$	677,486,956

**NEW SECTION.** Sec. 713. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1985.

**NEW SECTION.** Sec. 714. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 715. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 716. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION.** Sec. 717. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION.** Sec. 718. Amounts lawfully obligated but not actually spent during the 1983-85 fiscal biennium for department of social and health services medical assistance vendor payments may be spent under other appropriations for the same biennium if necessary to avoid allotment reductions under chapter 43.88 RCW. Appropriations and reappropriations for the 1985-87 fiscal biennium have been adjusted in this act accordingly.

**NEW SECTION.** Sec. 719. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

**NEW SECTION.** Sec. 720. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984, section 42, chapter 57, Laws of 1985 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

**NEW SECTION.** Sec. 721. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 722. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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 Indian Affairs, Governor's Office, sec. 117  
 Industrial Insurance Appeals Board, sec. 221  
 Insurance Benefits, sec. 703  
 Insurance Commissioner, sec. 130  
 Interagency Committee for Outdoor Recreation, sec. 309  
 Investment Board, sec. 122  
 Judicial Qualifications Commission, sec. 111  
 Labor and Industries Department, sec. 223  
 Law Library, sec. 108  
 Legislative Budget Committee, sec. 103  
 Legislative Evaluation and Accountability Program Committee, sec. 104  
 Lieutenant Governor, sec. 113  
 Liquor Control Board, secs. 139, 140  
 Licensing Department, sec. 402  
 Marine Employees' Commission, sec. 403  
 Mexican-American Affairs Commission, sec. 115  
 Military Department, sec. 145  
 Minority and Women's Business Enterprises Office, sec. 148  
 Municipal Research Council, sec. 133  
 Natural Resources Department, sec. 314  
 Parks and Recreation Commission, sec. 307  
 Personnel Appeals Board, sec. 124  
 Personnel Department, sec. 123  
 Pharmacy Board, sec. 141  
 Postsecondary Education Council, sec. 610  
 Prison Terms and Paroles Board, sec. 224  
 Public Disclosure Commission, sec. 131

- Public Employment Relations Commission, sec. 146
- Puget Sound Water Quality Authority, sec. 304
- Retirement Systems Department, secs. 132, 707
- Retirement Contributions, secs. 704, 705
- Revenue Department, sec. 127
- Secretary of State, sec. 114
- Senate, sec. 102
- Sentencing Guidelines Commission, sec. 228
- Services for the Blind Department, sec. 227
- Social and Health Services Department, secs. 202-216
  - Administration and Supporting Services, sec. 213
  - Children and Family Services, sec. 203
  - Community Services Administration, sec. 214
  - Community Social Services, sec. 209
  - Developmental Disabilities Program, sec. 206
  - Income Assistance Program, sec. 208
  - Juvenile Rehabilitation Program, sec. 204
  - Medical Assistance Program, sec. 210
  - Mental Health Program, sec. 205
  - Long-Term Care Program, sec. 207
  - Public Health Program, sec. 211
  - Reappropriations, sec. 216
  - Revenue Collections Program, sec. 215
  - Vocational Rehabilitation Program, sec. 212
- State Actuary, sec. 105
- State Auditor, sec. 119
- State Capitol Historical Association, sec. 617
- State Convention and Trade Center, sec. 313
- State Historical Society, sec. 615
- State Library, sec. 613
- State Lottery, sec. 126
- State Patrol, sec. 401
- State Treasurer, sec. 118
  - Bond Retirement and Interest, sec. 712
  - Federal Revenues for Distribution, sec. 711
  - State Revenues for Distribution, sec. 710
  - Transfers, sec. 706
- Statute Law Committee, sec. 106
- Sundry Claims, sec. 709
- Superintendent of Public Instruction, secs. 501-519
  - Basic Education Apportionment, sec. 503
  - Educational Clinics, sec. 513
  - Educational Service Districts, sec. 502
  - Employee Compensation and Benefits, secs. 504, 505
  - Encumbrance of Federal Grants, sec. 519
  - Enumerated Purposes, sec. 511
  - Food Service Programs, sec. 515
  - Handicapped Education, sec. 506
  - Highly Capable Students Programs, sec. 510
  - Institutional Education Programs, sec. 507
  - Pupil Transportation, sec. 514
  - Remediation Assistance, sec. 509
  - School District Support, sec. 518
  - Special and Pilot Programs, sec. 517
  - State Administration, sec. 501
  - Traffic Safety Program, sec. 516
  - Transitional Bilingual Programs, sec. 508
  - Vocational-Technical Institutes, sec. 512
- Supreme Court, sec. 107
- Tax Appeals Board, sec. 128
- The Evergreen State College, sec. 608
- Uniform Legislation Commission, sec. 134
- University of Washington, sec. 604
- Utilities and Transportation Commission, sec. 142
- Veterans Affairs Department, sec. 218
- Vocational Education Commission, sec. 611
- Volunteer Firemen Board, sec. 143
- Washington State University, sec. 605

Western Washington University, sec. 609  
World Fair Commission, sec. 318"

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987; repealing RCW 43.63A-.200, 43.79.450, and 43.79.452; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

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

#### MOTION

Senator McDermott moved that the Senate do not concur in the House amendments to Reengrossed Substitute Senate Bill No. 3656 and asks the House to recede therefrom.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator McDermott that the Senate do not concur in the House amendments to Reengrossed Substitute Senate Bill No. 3656 and asks the House to recede therefrom.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the Senate did not concur in the House amendments to Reengrossed Substitute Senate Bill No. 3656 by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Craswell - 2.

Excused: Senator Pullen - 1.

#### MOTION

On motion of Senator McDermott, Reengrossed Substitute Senate Bill No. 3656 was ordered immediately transmitted to the House.

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3230 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

April 28, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 3230, strengthening and clarifying laws against driving while intoxicated, have had the same under consideration and we recommend that the House amendments to Engrossed Senate Bill No. 3230 be adopted except for sections 21, 22, 23, 24 and 25, and the title amendments pertaining to those sections be not adopted.

Signed by Senators Talmadge and Halsan; Representatives Armstrong, West and McMullen.

#### MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Senate Bill No. 3230 be adopted.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge that the Senate adopt the Report of the Conference Committee on Engrossed Senate Bill No. 3230.

The motion by Senator Talmadge carried and the Senate adopted the Report of the Conference Committee on Engrossed Senate Bill No. 3230.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3230, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3230, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3230, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has failed to adopt the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 131.

DENNIS L. HECK, Chief Clerk

#### SECOND REPORT OF CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 131, revising the regulation of health-related professions, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the First Conference Report be adopted with the addition of an amendment to page 104, line 22, after "hypnotherapist," strike "clergy."

Signed by Senators Thompson and Kreidler; Representatives Brekke, Tanner and Lewis.

#### MOTION

Senator Granlund moved that the Second Report of the Conference Committee on Substitute House Bill No. 131 be adopted and the committee be granted the powers of Free Conference.

#### POINT OF ORDER

Senator Kiskaddon: "A point of order, Mr. President. I do not believe this Second Report of the Conference Committee is really effectively in front of us. In Joint Rule 9, it says, 'Upon request for free conference, the powers of free conference may be granted by the two houses to the same committee to whom only the proposed Free Conference Report may be committed or the committee may be discharged and a new committee appointed with the powers of conference as defined in Joint Rule 6.' That process was not followed in this particular case. In Reed's 243, it also indicates that 'in case of a disagreement, the House first asking for a conference retains the papers and asks for another conference.'"

## REMARKS BY SENATOR McDONALD

Senator McDonald: "Just to expand on that a bit, Mr. President--Rule 243 in Reeds. It says, 'In case of a disagreement, the House first asking for a conference retains the papers and asks for another conference. It often happens that several conferences are had before an agreement is reached.' My understanding is that another conference was not asked for and so, consequently, Senator Kiskaddon's point is that this bill is not properly before us."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "First of all, in response to your reference to Reeds, Senator McDonald, the Reed's Rule would apply only if the Senate Rules or Joint Rules do not apply, so we will now look at the Senate Rules and Joint Rules to see if we have a solution to the point of order raised by Senator Kiskaddon."

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In response to the point of order raised by Senator Kiskaddon, the situation is that the conference committee withdrew its first report; the Senate did not discharge the conference committee, so the conference committee proceeded, under the charge of the Senate, and provided a Second Conference Report. Therefore, the Second Conference Report is properly before us."

Further debate ensued.

Senators Bottiger, Vognilid and Talmadge demanded the previous question and the demand was sustained on a rising vote.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Granlund that the Senate adopt the Second Report of the Conference Committee on Substitute House Bill No. 131 and to grant the committee the powers of Free Conference.

## ROLL CALL

The Secretary called the roll and the motion by Senator Granlund carried and the Senate adopted the Second Report of the Conference Committee on Substitute House Bill No. 131 and granted the committee the powers of Free Conference by the following vote: Yeas, 30; nays, 17; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Patterson, Sellar, von Reichbauer, Zimmerman - 17.

Absent: Senator Newhouse - 1.

Excused: Senator Pullen - 1.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 3927, as amended by the House, failed to pass the Senate earlier today.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Guess that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 3927, as amended by the House, failed to pass the Senate.

## ROLL CALL

The Secretary called the roll and the motion by Senator Guess carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Deccio, DeJarnatt, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Sellar, Vognilid, Zimmerman - 25.

Voting nay: Senators Bender, Cantu, Conner, Craswell, Fleming, Garrett, Gaspard, Granlund, Halsan, McCaslin, McManus, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 23.

Excused: Senator Pullen - 1.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 3927, as amended by the House, on reconsideration, was deferred.

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 863 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Peterson, the Senate receded from its amendments to Engrossed Substitute House Bill No. 863.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 863, without the Senate amendments.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 863, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Cantu, Craswell, McCaslin, Wojahn - 4.

Absent: Senators Granlund, Hansen, McDermott - 3.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3630 and has passed the bill as amended by the Free Conference Committee and said report together with the bill are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### REPORT OF FREE CONFERENCE COMMITTEE

April 27, 1985

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3630, changing provisions relating to the Washington high-technology coordinating board, have had the same under consideration and we recommend that the bill be amended as recommended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 3630, read in earlier today)

Signed by Senators Gaspard, Cantu and Bauer; Representatives Sommers, May and McMullen.

## MOTION

On motion of Senator Gaspard, the Report of the Free Conference Committee on Substitute Senate Bill No. 3630 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3630, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3630, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Hansen, Kiskaddon, McDermott - 4.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3630, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3678 with the following amendments:

On page 4, after line 26, insert the following:

\*NEW SECTION, Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of manufacturing equipment which was owned and used at least one year in manufacturing in another state and which is brought into this state and placed in a factory and used in production in this state."

Remember the remaining section consecutively.

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 82.12 RCW;"

On page 4, after line 26, strike the remainder of the bill and insert the following:

\*Sec. 5. Section 9, chapter 7, Laws of 1983 as amended by section 42, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.010 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax (~~is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater;~~) shall be as follows:

(a) For vessels sixteen feet or more in length but less than twenty feet, ninety-five cents per foot, or fraction thereof;

(b) For vessels twenty feet or more in length but less than twenty-six feet, one dollar and eighty cents per foot, or fraction thereof;

(c) For vessels twenty-six feet or more in length but less than thirty-two feet, two dollars and sixty-five cents per foot, or fraction thereof;

(d) For vessels thirty-two feet or more in length but less than thirty-eight feet, three dollars and fifteen cents per foot, or fraction thereof; and

(e) For vessels thirty-eight feet or more in length, three dollars and seventy cents per foot, or fraction thereof.

Length is determined by means of a straight line measurement of the overall length from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, and similar fittings or attachments are not included in the measurement.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

Sec. 6, Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

The excise taxes imposed under ~~((this chapter is))~~ RCW 82.49.010 and 82.49.070 are due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until ~~((the tax is))~~ these taxes are paid in full.

The excise taxes collected under ~~((this chapter))~~ RCW 82.49.010 shall be deposited in the general fund. The excise taxes collected under RCW 82.49.070 shall be deposited in the vessel local excise tax account hereby created in the general fund. Moneys in the vessel local excise tax account may be spent only for distribution to counties imposing the local tax. Distribution to the counties shall occur on a monthly basis, not later than the fifteenth day of the succeeding month after collection.

NEW SECTION. Sec. 7. A new section is added to chapter 82.49 RCW to read as follows:

(1) Any vessel which is not less than forty years old and whose hull is substantially unmodified shall be considered to be a classic vessel for the purposes of this chapter.

(2) Owners of classic vessels as described in subsection (1) of this section may, as an alternative to paying the vessel excise tax imposed in RCW 82.49.010, have the vessel appraised by the county assessor of the county in which the vessel is moored or stored. The appraised value of the vessel shall be reported to the department on a form prescribed by the department and the excise tax due and payable each year shall be paid at the rate of one-half of one percent of the appraised value of the vessel as certified by the county assessor.

(3) The fee for such appraisal shall be twenty-five dollars, payable to the county treasurer for deposit in the county current expense fund.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 7, Laws of 1983 and RCW 82.49.040;

(2) Section 12, chapter 7, Laws of 1983 and RCW 82.49.050; and

(3) Section 13, chapter 7, Laws of 1983 and RCW 82.49.060.

NEW SECTION. Sec. 9. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

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. 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, except sections 5 through 8 of this act shall take effect July 1, 1985."

On page 1, line 2 of the title, after "82.04.120," strike the remainder of the title and insert "82.04.270, 82.49.010, and 82.49.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.49 RCW; creating a new section; repealing RCW 82.49.040, 82.49.050, and 82.49.060; providing an effective date; and declaring an emergency."

On page 1, line 1 of the title, after "82.04.440" strike everything through "82.14 RCW" on line 2 of the title.

On page 2, beginning on line 23, strike all material down through "outlets." on page 4, line 26.

Renumber the remaining section.

On page 3, beginning on line 24, strike all of section 4.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3678.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3678.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3678.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3678, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3678, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Zimmerman - 34.

Voting nay: Senators Benitz, Garrett, Guess, Hansen, McCaslin, Metcalf, Owen, Saling, Stratton, Williams, Wojahn - 11.

Absent: Senators Bottiger, Sellar - 2.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3678, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The House insists on its position regarding the amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 3656 and asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## MOTION

On motion of Senator McDermott, the Senate adhered to its position regarding the amendments to Reengrossed Substitute Senate Bill No. 3656 and asks the House to recede therefrom.

## MOTION

On motion of Senator McDermott, Reengrossed Substitute Senate Bill No. 3656 was ordered immediately transmitted to the House.

President Cherberg assumed the chair.

## MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE JOINT RESOLUTION NO. 23 and has passed the resolution as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 956 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 314 and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 3066,  
 SENATE BILL NO. 3120,  
 SUBSTITUTE SENATE BILL NO. 3184,  
 SUBSTITUTE SENATE BILL NO. 3235,  
 SUBSTITUTE SENATE BILL NO. 3354.

SUBSTITUTE SENATE BILL NO. 3516,

SENATE BILL NO. 4142,

SUBSTITUTE SENATE BILL NO. 4231, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3927, as amended by the House, deferred on reconsideration, earlier tonight.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3927, as amended by the House, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3927, as amended by the House, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 23; absent, 4; excused, 2.

Voting yeas: Senators Bailey, Benitz, Bottiger, DeJarnatt, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Newhouse, Owen, Sellar, Vognild, Zimmerman - 20.

Voting nays: Senators Bauer, Bender, Cantu, Conner, Craswell, Fleming, Garrett, Gaspard, Halsan, McCaslin, McDermott, Moore, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 23.

Absent: Senators Barr, Bluechel, Granlund, Rasmussen - 4.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3927, as amended by the House, on reconsideration, having failed to receive the constitutional majority was declared lost.

#### MESSAGE FROM THE HOUSE

April 27, 1985

Mr. President:

The House has passed HOUSE CONCURRENT RESOLUTION NO. 7 and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 7 was advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 7, by Representatives Jacobsen, Armstrong, Long, Unsoeld, D. Nelson, Nealey and Todd

Extending the Joint Select Committee on Telecommunications.

The resolution was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, House Concurrent Resolution No. 7 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 7.

#### ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 7 and the resolution passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Goltz, Guess, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Saling, Sellar, Stratton, Vogniild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Bender, Fleming, Gaspard, Granlund, Halsan, Hayner, Moore, Owen, Rasmussen, Rinehart, Talmadge, Thompson, Zimmerman - 13.

Absent: Senator McDermott - 1.

Excused: Senators Deccio, Pullen - 2.

HOUSE CONCURRENT RESOLUTION NO. 7, having received the constitutional majority, was declared passed.

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

#### MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 46.

SUBSTITUTE HOUSE BILL NO. 242.

HOUSE BILL NO. 327.

HOUSE BILL NO. 593.

SECOND SUBSTITUTE HOUSE BILL NO. 627.

HOUSE BILL NO. 832.

SECOND SUBSTITUTE HOUSE BILL NO. 849.

SUBSTITUTE HOUSE BILL NO. 1079.

SUBSTITUTE HOUSE BILL NO. 1107, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 46.

SUBSTITUTE HOUSE BILL NO. 242.

HOUSE BILL NO. 327.

HOUSE BILL NO. 593.

SECOND SUBSTITUTE HOUSE BILL NO. 627.

HOUSE BILL NO. 832.

SECOND SUBSTITUTE HOUSE BILL NO. 849.

SUBSTITUTE HOUSE BILL NO. 1079.

SUBSTITUTE HOUSE BILL NO. 1107.

#### MOTION

Senator Vogniild moved that the Senate now reconsider the vote by which the Free Conference Committee Report on Engrossed Substitute Senate Bill No. 4196 failed to be adopted by the Senate, deferred earlier today.

The President declared the question before the Senate to be adoption of the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4196, on reconsideration.

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. Sometime ago when the President was replaced on the rostrum, there was a special order of business for 11:55 and I believe that time has arrived. The motion was made by Senator Bottiger."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your remarks are well taken."

#### MOTION

Senator Bottiger moved that Engrossed Substitute House Bill No. 32 be referred to the Committee on Rules.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that Engrossed Substitute House Bill No. 32 be referred to the Committee on Rules.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Guess, Halsan, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, Vogtild, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Benitz, DeJarnatt, Garrett, Goltz, Granlund, Hansen, Johnson, Lee, Moore, Peterson, Rinehart, Talmadge, Thompson, von Reichbauer, Wojahn - 15.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 was referred to the Committee on Rules.

#### PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President, could you advise me as to the time?"

#### REPLY BY THE PRESIDENT

President Cherberg: "One minute and four, five, six seconds after 12 midnight."

Senator von Reichbauer: "Thank you, Mr. President."

President Cherberg: "Now, it's one minute and fourteen."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. Chairman and members of the Senate, I can't remember a session where any group of people worked any harder, any longer hours and tried to stay on a schedule, unfortunately, the one big item that always ties the session up--the budget--we were not able to reach agreement on. Not necessarily the level of spending, that has never been a particular issue. It's been the priorities between the House and Senate within the spending level.

"It's unfortunate that we could not have classified this as the first session of a 105 days that got done on time. I want to assure you that I think we all tried and with some very rare exceptions, there was cooperation that ruled today. A couple of times I thought there were a number of inordinate amendments on a bill, but I understand that because I have done that same thing myself.

"I do urge you to not go very far. Anybody that was planning on going to Hawaii or anything like that I would recommend that you cancel any kind of a trip like that. The Governor will be telling you when very shortly, but we do have that business. The people expect it of us. We've got to sit down and find the compromise between the two positions.

"There are a couple of items while we're waiting for the closing resolutions that the Secretary is preparing, in the way of floor resolutions and I will now move that the Senate consider Floor Resolution No. 92. This is not subject to the cutoff since it involves business of the Senate."

#### MOTIONS

Senator Bottiger moved that the Senate advance to the eighth order of business.

Senator Bottiger moved that the Senate now consider Senate Resolution 1985-92.

#### PARLIAMENTARY INQUIRY

Senator Hayner: "A parliamentary inquiry, I'm under the impression that at 12 midnight we completed our business which we can transact. I'm not at all sure that we should be able to even consider resolutions at this time. Would you please rule on that?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator Hayner, the President was reminded that at one time he stated that the session was a hundred and five working days and we are still working on this particular day. Now, I'm not trying to be funny, I'm just trying to

point out that the precedent in history will show that on numerous occasions the Senate has had to adopt resolutions in order to properly prepare to adjourn sine die.

"For instance, I indicated a few minutes ago a number of bills that I must sign and I will have to do that here, not in the office. Then we have to report to the House; we have to report to the Governor and all of that is going to take some time, but we do not and will not pass any final passage of any legislation."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, my understanding of resolutions is that they are in order before us. Ones that would be for winding down the session, for completing the business of the session itself and this is a resolution talking about a study on gasoline service stations, the so-called divorcement resolution. It is far beyond that, Mr. President, and it seems to me a terrible precedent, if indeed, you rule that this is in order because there is no end then to a 105 day session if resolutions such as this are in order and before us."

Further debate ensued.

#### MOTION

Senator Bottiger moved that the following resolution be adopted:

#### SENATE RESOLUTION 1985-92

by Senators Peterson, Bottiger, Stratton, Barr, Patterson, Conner, Halsan, Granlund, Metcalf, Johnson, Bender and Bauer

WHEREAS, The number of gasoline service stations has continued to decline in a manner that will reduce competition and the availability of gasoline at a reasonable price; and

WHEREAS, The Bureau of Industrial Economics of the United States Department of Commerce reports that there were 132,080 retail gas stations operating in the United States in 1984, compared to 226,459 existing in 1972; and

WHEREAS, A disproportionate share of closures in the industry are independent dealers; and

WHEREAS, There is a great concern among citizens that some refiners have engaged in predatory pricing designed to increase the market for oil companies using refiner owned and operated retail outlets;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That there is hereby created a Senate select committee to study and investigate those measures that will protect independent gasoline dealers and prevent unfair practices engaged in by refinery owned or operated stations; and

BE IT FURTHER RESOLVED, That the select committee shall be composed of eight members appointed by the President of the Senate; and

BE IT FURTHER RESOLVED, That the select committee shall submit to the Legislature no later than December 1, 1985, a full and detailed report on its findings, including recommendations for amending existing law in a manner that will best serve the public interest.

#### PARLIAMENTARY INQUIRY

Senator McDonald: "A point of parliamentary inquiry? Did we get a ruling as to whether this is in order or not?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President stated that the precedent in history will show that the resolution and other measures necessary to properly adjourn sine die have been accomplished following the cutoff of power."

Senator McDonald: "Mr. President, then would all of the Senate floor resolutions that are before us on our tables then be in order?"

President Cherberg: "The President believes so, but is also aware that a reasonable amount of common sense will indicate that we will not consider all of them."

Senator McDonald: "I understand that, but if there are some that are favorites of people, maybe we can move them."

President Cherberg: "The President believes that he has been fair in recognizing both sides of the aisle."

The President declared the question before the Senate to be the motion by Senator Bottiger to adopt Senate Resolution 1985-92.

The motion by Senator Bottiger carried and Senate Resolution 1985-92 was adopted.

#### MOTION

On motion of Senator Bottiger the following Senate Floor Resolutions were returned to the Committee on Rules:

1985-18,  
1985-24,  
1985-25,  
1985-31,  
1985-32,  
1985-36,  
1985-38,  
1985-40,  
1985-43,  
1985-52,  
1985-54,  
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1985-104,  
1985-105,  
1985-106.

1985-107,  
 1985-108,  
 1985-109,  
 1985-110,  
 1985-111,  
 1985-112,  
 1985-113,  
 1985-114.

## MOTION

At 12:14 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:33 a.m. by President Cherberg.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 3230,  
 SUBSTITUTE SENATE BILL NO. 3261,  
 SUBSTITUTE SENATE BILL NO. 3384,  
 SUBSTITUTE SENATE BILL NO. 3630,  
 SUBSTITUTE SENATE BILL NO. 3654,  
 SUBSTITUTE SENATE BILL NO. 3678,  
 SUBSTITUTE SENATE BILL NO. 3799.

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

## INTRODUCTION AND FIRST READING

SCR 120 by Senators Bottiger Fleming, Hayner and Sellar

Returning all bills to House of origin.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 120 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

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

## SENATE RESOLUTION 1985-116

by Senators Bottiger, Fleming, Hayner and Sellar

WHEREAS, The Regular Session of the Forty-ninth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Regular Session of the Forty-ninth Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out of state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journals of the Regular Session of the Forty-ninth Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate Majority Leader, the Senate Minority Leader, the Senate Minority Floor Leader, the Assistant Majority Leader, the Assistant Senate Minority Floor Leader, the Majority and Minority Whips, the Minority Assistant Whip, the Majority and Minority Caucus Chairmen and Caucus Vice Chairmen, and the Chairman of the Senate Facilities and Operations Committee, are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Assistant Secretary of the Senate be, and they hereby are, authorized and directed to attend the sessions of the National Conference of State Legislatures and the Council of State Governments, and while in attendance at such conferences they shall be allowed compensation at their regular per diem rate together with actual expenses, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

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

#### MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 956,

HOUSE JOINT RESOLUTION NO. 23, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 314,

SUBSTITUTE HOUSE BILL NO. 863,

HOUSE CONCURRENT RESOLUTION NO. 7, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 116,  
 SUBSTITUTE HOUSE BILL NO. 190,  
 SUBSTITUTE HOUSE BILL NO. 625,  
 SUBSTITUTE HOUSE BILL NO. 660,  
 HOUSE BILL NO. 718,  
 HOUSE BILL NO. 723,  
 SUBSTITUTE HOUSE BILL NO. 843,  
 SUBSTITUTE HOUSE BILL NO. 848,  
 SUBSTITUTE HOUSE BILL NO. 1089, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 272,  
 SUBSTITUTE HOUSE BILL NO. 461,  
 SUBSTITUTE HOUSE BILL NO. 799,  
 SUBSTITUTE HOUSE BILL NO. 804,  
 SUBSTITUTE HOUSE BILL NO. 890, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House has refused to adopt the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3029, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 4146, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House has failed to adopt the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4241, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTION

At 1:42 a.m., on motion of Senator Vognild, the Senate was declared the be at ease.

The Senate was called to order at 1:47 a.m. by President Cherberg.

#### MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 13, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

COMMITTEE FROM THE HOUSE NOTIFYING  
SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee comprised of Representatives Gary Nelson, Doug Sayan and Forrest Baugher appeared before the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

The report was received and the committee returned to the House.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 13 by Representatives J. King and Barrett

Notifying the Governor the legislature is ready to adjourn SINE DIE.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 13 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rule were suspended, House Concurrent Resolution No. 13 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 13, President Cherberg appointed Senators Vognild, Saling and DeJarnatt as a committee of three from the Senate to join a like number from the House to notify the Governor that the legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Fleming, the committee appointments were confirmed.

MOTIONS

On motion of Senator Fleming, the Senate advanced to the eighth order of business.

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

SENATE RESOLUTION 1985-115

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1985-115, President Cherberg appointed Senators Hansen, McDonald and McDermott as a committee of three from the Senate to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Fleming, the committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 4146.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 120.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 3134.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 272.  
 SUBSTITUTE HOUSE BILL NO. 461.  
 SUBSTITUTE HOUSE BILL NO. 799.  
 SUBSTITUTE HOUSE BILL NO. 804.  
 SUBSTITUTE HOUSE BILL NO. 890.

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

## MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:  
 The Speaker has signed:  
 SENATE BILL NO. 3230,  
 SUBSTITUTE SENATE BILL NO. 3261,  
 SUBSTITUTE SENATE BILL NO. 3384,  
 SUBSTITUTE SENATE BILL NO. 3630,  
 SUBSTITUTE SENATE BILL NO. 3654,  
 SUBSTITUTE SENATE BILL NO. 3678,  
 SUBSTITUTE SENATE BILL NO. 3799, and the same are herewith transmitted.  
 DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:  
 The Speaker has signed:  
 HOUSE CONCURRENT RESOLUTION NO. 13, and the same is herewith transmitted.  
 DENNIS L. HECK, Chief Clerk

REPORT OF SPECIAL COMMITTEE APPOINTED  
 TO NOTIFY THE HOUSE OF  
 ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Hansen, McDonald and McDermott who were appointed under the provisions of Senate Resolution 1985-115. The committee reported they had notified the House that the Senate was about to adjourn SINE DIE.  
 The report was received and the committee was discharged.

INTERIM COMMITTEE APPOINTMENTS  
 STATUTORY AND SELECT

JOINT COMMITTEE ON ADMINISTRATIVE RULES REVIEW: Senators Halsan, Kreidler, Deccio and Johnson.  
 ENERGY AND UTILITIES COMMITTEE: Senators Bottiger, McManus, Benitz and Newhouse.  
 JOINT LEGISLATIVE ETHICS BOARD: Senators Gaspard, Thompson, Sellar and Newhouse.  
 LEAP COMMITTEE: Senators Rinehart, Thompson, McDonald and Cantu.  
 LEGISLATIVE BUDGET COMMITTEE: Senators Gaspard, McDermott, Talmadge, Wojahn, Barr, Hayner, Lee and Zimmerman.  
 MUNICIPAL RESEARCH COUNCIL: Senators Garrett, Stratton, McCaslin and Zimmerman.  
 LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Bender, Conner, Hansen, Peterson, Granlund, Vognil, Guess, Johnson, Patterson, Sellar and von Reichbauer.

MOTION

On motion of Senator Bottiger, the committee appointments were confirmed.

REPORT OF SPECIAL COMMITTEE APPOINTED  
TO NOTIFY THE GOVERNOR OF  
ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Vognild, Saling and DeJarnatt who were appointed under the provisions of House Concurrent Resolution No. 13. The committee reported they had joined with a like committee from the House and notified the Governor that the legislature was about to adjourn.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

April 28, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4146, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3134, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 28, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3012,

SUBSTITUTE SENATE BILL NO. 3146,

SUBSTITUTE SENATE BILL NO. 3165,

SENATE BILL NO. 3167,

SUBSTITUTE SENATE BILL NO. 3367,

SUBSTITUTE SENATE BILL NO. 3376,

SUBSTITUTE SENATE BILL NO. 3390,

SENATE BILL NO. 3400,

SENATE BILL NO. 3426,

SUBSTITUTE SENATE BILL NO. 3500,

SUBSTITUTE SENATE BILL NO. 4424,

SENATE CONCURRENT RESOLUTION NO. 114, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 116,  
 SUBSTITUTE HOUSE BILL NO. 190,  
 SUBSTITUTE HOUSE BILL NO. 314,  
 SUBSTITUTE HOUSE BILL NO. 625,  
 SUBSTITUTE HOUSE BILL NO. 660,  
 HOUSE BILL NO. 718,  
 HOUSE BILL NO. 723,  
 SUBSTITUTE HOUSE BILL NO. 843,  
 SUBSTITUTE HOUSE BILL NO. 848,  
 SUBSTITUTE HOUSE BILL NO. 863,  
 SUBSTITUTE HOUSE BILL NO. 956,  
 SUBSTITUTE HOUSE BILL NO. 1089,  
 HOUSE JOINT RESOLUTION NO. 23,  
 HOUSE CONCURRENT RESOLUTION NO. 7,  
 HOUSE CONCURRENT RESOLUTION NO. 13.

## MESSAGE FROM THE HOUSE

April 28, 1985

Mr. President:

In accordance with SENATE CONCURRENT RESOLUTION NO. 120, the House herewith transmits the following list of Senate bills:

SUBSTITUTE SENATE BILL NO. 3005,  
 SENATE BILL NO. 3011,  
 SENATE BILL NO. 3018,  
 SENATE BILL NO. 3020,  
 SENATE BILL NO. 3021,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3024,  
 SUBSTITUTE SENATE BILL NO. 3029,  
 SENATE BILL NO. 3030,  
 SECOND SUBSTITUTE SENATE BILL NO. 3038,  
 ENGROSSED SENATE BILL NO. 3042,  
 SENATE BILL NO. 3043,  
 ENGROSSED SENATE BILL NO. 3044,  
 ENGROSSED SENATE BILL NO. 3046,  
 SUBSTITUTE SENATE BILL NO. 3048,  
 SUBSTITUTE SENATE BILL NO. 3056,  
 SUBSTITUTE SENATE BILL NO. 3088,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3089,  
 SENATE BILL NO. 3092,  
 SENATE BILL NO. 3093,  
 SENATE BILL NO. 3095,  
 ENGROSSED SENATE BILL NO. 3098,  
 SUBSTITUTE SENATE BILL NO. 3110,  
 SENATE BILL NO. 3111,  
 SUBSTITUTE SENATE BILL NO. 3112,  
 ENGROSSED SENATE BILL NO. 3132,

SENATE BILL NO. 3133.  
SENATE BILL NO. 3140.  
SENATE BILL NO. 3147.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3154.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3157.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3160.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3161.  
SUBSTITUTE SENATE BILL NO. 3166.  
ENGROSSED SENATE BILL NO. 3172.  
SENATE BILL NO. 3178.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3182.  
SECOND SUBSTITUTE SENATE BILL NO. 3188.  
SECOND SUBSTITUTE SENATE BILL NO. 3200.  
SENATE BILL NO. 3206.  
ENGROSSED SENATE BILL NO. 3211.  
SENATE BILL NO. 3215.  
SUBSTITUTE SENATE BILL NO. 3221.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3228.  
SENATE BILL NO. 3233.  
ENGROSSED SENATE BILL NO. 3234.  
SECOND SUBSTITUTE SENATE BILL NO. 3238.  
SUBSTITUTE SENATE BILL NO. 3243.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3251.  
SUBSTITUTE SENATE BILL NO. 3252.  
SUBSTITUTE SENATE BILL NO. 3255.  
SENATE BILL NO. 3259.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3266.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3276.  
SENATE BILL NO. 3278.  
SENATE BILL NO. 3286.  
SENATE BILL NO. 3287.  
SUBSTITUTE SENATE BILL NO. 3294.  
SUBSTITUTE SENATE BILL NO. 3306.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3317.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3320.  
SUBSTITUTE SENATE BILL NO. 3331.  
SENATE BILL NO. 3339.  
SUBSTITUTE SENATE BILL NO. 3340.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3345.  
SUBSTITUTE SENATE BILL NO. 3347.  
SENATE BILL NO. 3352.  
SENATE BILL NO. 3355.  
SUBSTITUTE SENATE BILL NO. 3369.  
SUBSTITUTE SENATE BILL NO. 3379.  
SUBSTITUTE SENATE BILL NO. 3392.  
SENATE BILL NO. 3397.  
SENATE BILL NO. 3405.  
SENATE BILL NO. 3412.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3413.  
SUBSTITUTE SENATE BILL NO. 3414.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3416.  
ENGROSSED SENATE BILL NO. 3418.  
SUBSTITUTE SENATE BILL NO. 3419.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3431.  
ENGROSSED SENATE BILL NO. 3434.  
SUBSTITUTE SENATE BILL NO. 3439.  
ENGROSSED SENATE BILL NO. 3444.  
SUBSTITUTE SENATE BILL NO. 3448.  
SUBSTITUTE SENATE BILL NO. 3452.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3458.  
SUBSTITUTE SENATE BILL NO. 3459.

SENATE BILL NO. 3460,  
SUBSTITUTE SENATE BILL NO. 3469,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3478,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 3498,  
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ENGROSSED SUBSTITUTE SENATE BILL NO. 3837,  
SENATE BILL NO. 3907,  
SENATE BILL NO. 3910,  
SUBSTITUTE SENATE BILL NO. 4100,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 4109,  
ENGROSSED SENATE BILL NO. 4113,  
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SUBSTITUTE SENATE BILL NO. 4208,  
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SENATE BILL NO. 4212,  
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SUBSTITUTE SENATE BILL NO. 4255,  
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ENGROSSED SUBSTITUTE SENATE BILL NO. 4315,  
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SENATE CONCURRENT RESOLUTION NO. 103,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 106,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 115,  
ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate Journal for the One Hundred-Fifth Day, Forty-ninth Legislature was approved.

MOTION

At 2:14 a.m., on motion of Senator Bottiger, the Senate of the Forty-ninth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.



# SENATE JOURNAL

— 1985 —

FIRST SPECIAL SESSION  
OF THE

Forty-Ninth Legislature

## STATE OF WASHINGTON

AT

## OLYMPIA, the State Capitol

Convened June 10, 1985  
Adjourned *SINE DIE* June 11, 1985

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



MARY WILEY  
*Minute and Journal Clerk*

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JOHN A. CHERBERG, *President of the Senate*  
H. A. "BARNEY" GOLTZ, *President Pro Tempore*  
A. L. "SLIM" RASMUSSEN, *Vice President Pro Tempore*

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

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

### REPUBLICAN CAUCUS

*Minority Leader* ..... JEANNETTE HAYNER  
*Chairman* ..... GEORGE L. SELLAR  
*Republican Floor Leader* ..... DAN McDONALD  
*Republican Whip* ..... PETER von REICHBAUER  
*Vice Chairman* ..... BOB McCASLIN  
*Asst. Republican Floor Leader* ..... ALEX A. DECCIO  
*Assistant Whip* ..... HAL ZIMMERMAN



*Assistant Secretary* ..... BILL GLEASON  
*Sergeant at Arms* ..... O. F. "OLE" SCARPELLI  
*Secretary to the Secretary* ..... NYLA WOOD  
*Reader* ..... VERNE SAWYER  
*Minute and Journal Clerk* ..... MARY WILEY

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1985 FIRST SPECIAL SESSION  
FORTY-NINTH LEGISLATURE**

**FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, June 10, 1985

The Senate was called to order a 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer and von Reichbauer. On motion of Senator Zimmerman, Senator von Reichbauer was excused. On motion of Senator Bender, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Spangler and Jason Weinmeister, presented the Colors. The Reverend Dennis Hartsook, pastor of the St. Mark Lutheran Church of Lacey, offered the prayer.

**MESSAGE FROM THE SECRETARY OF STATE**

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

We herewith respectfully transmit a Proclamation by the Governor of the state of Washington, calling a special session of the Washington State Legislature, as provided by Article III, Section 7, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, Washington, this thirty-first of May, 1985.  
(Seal)

Ralph Munro, Secretary of State

**PROCLAMATION BY THE GOVERNOR**

In accordance with Article II, Section 12 (Amendment 68), the 1985 Regular Session adjourned April 28, 1985, the 105th day of the session without finishing its essential tasks. It is therefore necessary for me to convene an extraordinary (special) session for the purpose of addressing the state budget and budget-related items.

Now therefore, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the state Constitution, do hereby convene the Legislature of the state of Washington on Monday, June 10, 1985, at 9:00 a.m. in extraordinary (special) session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, Washington, this 31st day of May, nineteen hundred and eighty-five.

Booth Gardner  
Governor of Washington

(Seal)  
By the Governor:  
Ralph Munro, Secretary of State

## INTRODUCTION AND FIRST READING

SCR 121 by Senators Bottiger, Fleming, Hayner and Sellar

Providing for the consideration of bills, memorials and resolutions during the 1985 first special session.

Hold.

## MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 121 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 121 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTIONS

On motion of Senator Bottiger, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of Reengrossed Substitute Senate Bill No. 3656.

On motion of Senator Bottiger, Reengrossed Substitute Senate Bill No. 3656 was referred to the Committee on Ways and Means.

On motion of Senator Bottiger, the Committee on Transportation was relieved of further consideration of Senate Bill No. 3942.

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 3942 was advanced to second reading and placed on the second reading calendar.

## MOTIONS

On motion of Senator Vognild, the Senate reverted to the eighth order of business.

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

## SENATE RESOLUTION 1985-117

By Senators Bottiger, Fleming, Hayner and Sellar

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

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Garrett, Cantu and Stratton as a committee of three, under the provisions of Senate Resolution 1985-117, to notify the House of Representatives that the Senate is ready to transact business.

## MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

## PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. Senate Concurrent Resolution No. 121 says 'that all the legislation retains its status as shown on sine die.' Now, my understanding is once sine die comes all legislation reverts to its house of origin and that we would have to repass them--hence all the votes that we take when in new session, if I read this correctly, we are attempting to do that in a different way by concurrent resolution. Am I correct or not?"

## REPLY BY THE PRESIDENT

President Cherberg: "Senate Concurrent Resolution No. 121 reintroduces all bills, joint resolutions, joint memorials, concurrent resolutions and these measures will hold the same status they had at adjournment."

Senator McDonald: "Well, Mr. President, if the bill has passed the House and was in the Senate on sine die, is that House Bill now before the Senate or is it reverted back to the House."

President Cherberg: "All House Bills were returned to the House and all Senate Bills in the House were returned to the Senate."

Senator McDonald: "Thank you, Mr. President."

#### MOTIONS

On motion of Senator Bottiger, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of Engrossed Substitute Senate Bill No. 4196.

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 4196 was placed on the third reading calendar.

At 9:16 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 9:19 a.m. by President Cherberg.

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Wang, Hankins and Madsen appeared before the bar of the Senate to notify the Senate that the House of Representatives was organized and ready to transact business.

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

#### REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Garrett, Cantu and Stratton appeared before the bar of the Senate. Under the provisions of Senate Resolution 1985-117, the House of Representatives was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### MOTION

At 9:23 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 10:17 a.m. by President Pro Tempore Goltz.

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

#### MESSAGES FROM THE HOUSE

June 10, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 14, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 14 by Representatives J. King and Barrett

Notifying the governor that the legislature is organized and ready to conduct business.

Hold.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 14 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 14 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Hansen, Granlund and Bailey as a committee of three to join with a like committee from the House of Representatives, under provisions of House Concurrent Resolution No. 14, to notify the Governor that the legislature is organized.

## MOTIONS

On motion of Senator Vognild, the committee appointments were confirmed.

\*(Editor's Note: Due to the Governor's busy schedule, the committee was not able to report back to the Senate before official business took place).

At 10:20 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 10:58 a.m.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 121.

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

## MESSAGES FROM THE GOVERNOR

April 30, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3094

Relating to deeds of trust.

Senate Bill No. 3103

Relating to award to lieu of homestead.

Senate Bill No. 3127

Relating to the state investment board.

Senate Bill No. 3298

Relating to minimum flow advertising.

Senate Bill No. 3337

Relating to public lands.

Senate Bill No. 3818

Relating to the records committee.

Senate Bill No. 4152

Relating to tuition and fees at institutions of higher education.

Senate Bill No. 4236

Relating to state government.

Sincerely,

Terry Sebring,

Counsel to the Governor

May 7, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3008

Relating to use taxation.

Senate Bill No. 3205

Relating to accumulation of leave by school employees.

Substitute Senate Bill No. 3302

Relating to law enforcement chaplains.

Senate Bill No. 3373

Relating to costs in supplemental proceedings.

Senate Bill No. 3415

Relating to authorization of adjustable interest rates not exceeding the higher of twelve percent per annum of four percentage points above the equivalent coupon issue yield.

Senate Bill No. 3596

Relating to criminal justice information.

Senate Bill No. 3794

Relating to public lands.

Senate Bill No. 3846

Relating to public school in-service training.

Substitute Senate Bill No. 4105

Relating to mental illness.

Senate Bill No. 4110

Relating to administrative hearings by the office of the superintendent of public instruction.

Senate Bill No. 4127

Relating to alcoholic beverage licenses.

Substitute Senate Bill No. 4190

Relating to administrative procedures of the board of industrial insurance appeals.

Senate Bill No. 4216

Relating to dentistry.

Senate Bill No. 4227

Relating to scoliosis screening in public schools.

Senate Bill No. 4259

Relating to discrimination.

Substitute Senate Bill No. 4294

Relating to penalties imposed under Title 51 RCW.

Substitute Senate Bill No. 4314

Relating to the preservation of fish runs.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

May 8, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 1985, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 3125

Relating to the Quinault Tribal Highway.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

May 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 10, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3035

Relating to motor vehicles.

Substitute Senate Bill No. 3059

Relating to the revision of employers' rates of contribution for unemployment comp. for employees with marginal labor force attachment.

Senate Bill No. 3091

Relating to real estate contracts.

Substitute Senate Bill No. 3122

Relating to bid proposals for the department of transportation.

Senate Bill No. 3189

Relating to payroll deductions for public employees.

Senate Bill No. 3374

Relating to attorney fees.

Substitute Senate Bill No. 3387

Relating to sewer hookups.

Substitute Senate Bill No. 3388

Relating to attorney general.

Senate Bill No. 3436

Relating to elections.

Senate Bill No. 3445

Relating to parks and recreation service areas.

Senate Bill No. 3593

Relating to previous reimbursements for costs related to the Mount St. Helens eruption.

Substitute Senate Bill No. 3602

Relating to savings and loan associations.

Substitute Senate Bill No. 3723

Relating to local government.

Senate Bill No. 3762

Relating to state convention and trade center.

Senate Bill No. 3830

Relating to street vacations.

Senate Bill No. 3854

Relating to absentee voting.

Substitute Senate Bill No. 3897

Relating to insurance reporting.

Senate Bill No. 3906

Relating to pornography and moral nuisances.

Senate Bill No. 3951

Relating to Northern State Hospital.

Substitute Senate Bill No. 4041

Relating to oyster reserves.

Substitute Senate Bill No. 4059

Relating to juveniles.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

May 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3012

Relating to harassment.

Senate Bill No. 3173

Relating to aquaculture.

Senate Bill No. 3176

Relating to the release of juvenile offenders from residential facilities.

Substitute Senate Bill No. 3179

Relating to annual leave.

Substitute Senate Bill No. 3207

Relating to prison work programs.

Substitute Senate Bill No. 3220

Relating to autopsies.

Senate Bill No. 3225

Relating to the African Development Bank.

Substitute Senate Bill No. 3262

Relating to licensing of nursing homes.

Senate Bill No. 3267

Relating to drivers' licenses.

Substitute Senate Bill No. 3332

Relating to local school district and educational district insurance transactions.

Substitute Senate Bill No. 3468

Relating to radioactive waste disposal.

Substitute Senate Bill No. 3580

Relating to business corporations.

Senate Bill No. 3627

Relating to benefit qualifications for individuals with marginal labor force attachment.

Senate Bill No. 3852

Relating to joint legislative committee on child support.

Substitute Senate Bill No. 3882

Relating to rental of state-owned armories.

Substitute Senate Bill No. 3898

Relating to occupational therapy.

Substitute Senate Bill No. 3904

Relating to self medication.

Senate Bill No. 4129

Relating to jail work release.

Senate Bill No. 4288

Relating to unemployment compensation.

Substitute Senate Bill No. 4361

Relating to centennial commission.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

May 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3027

Relating to disabled persons.

Senate Bill No. 3085

Relating to the application of coloring material on vehicle windows.

Substitute Senate Bill No. 3145

Relating to distribution of forest service funds for schools or county roads.

Senate Bill No. 3202

Relating to counties.

Senate Bill No. 3236

Relating to banks and bank holding companies.

Substitute Senate Bill No. 3254

Relating to domestic violence.

Senate Bill No. 3326

Relating to liquor licenses.

Senate Bill No. 3420

Relating to property taxation.

Senate Bill No. 3426

Relating to industrial insurance.

Substitute Senate Bill No. 3438

Relating to energy supply emergencies.

Substitute Senate Bill No. 3442

Relating to fire service training.

Substitute Senate Bill No. 3540

Relating to health maintenance organizations.

Senate Bill No. 3625

Relating to fire protection districts.

Substitute Senate Bill No. 3776

Relating to Washington state arts commission.

Substitute Senate Bill No. 3792

Relating to banks and banking.

Senate Bill No. 3804

Relating to blood.

Senate Bill No. 3812

Relating to water pollution control.

Senate Bill No. 3829

Relating to medical practice.

Senate Bill No. 3851

Relating to presence of persons eighteen years of age or older on licensed premises.

Substitute Senate Bill No. 4146

Relating to effects of the eruption of Mt. St. Helens.

Substitute Senate Bill No. 4189

Relating to appellate jurisdiction in industrial insurance tax assessment actions.

Senate Bill No. 4206

Relating to school bidding procedures.

Substitute Senate Bill No. 4358

Relating to revising the administrative structure of the Department of Labor and Industries.

Sincerely,

Terry Sebring,

Counsel to the Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 20, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3099

Relating to juvenile mental health services.

Substitute Senate Bill No. 3116

Relating to damage by wildlife.

Senate Bill No. 3120

Relating to motor vehicle standards.

Substitute Senate Bill No. 3134

Relating to periodic payment of tuition and fees at institutions of higher education.

Substitute Senate Bill No. 3146

Relating to corrections.

Substitute Senate Bill No. 3165

Relating to superior court.

Senate Bill No. 3167

Relating to time shares.

Senate Bill No. 3230

Relating to alcohol abuse.

Substitute Senate Bill No. 3235

Relating to education excellence.

Senate Bill No. 3307

Relating to campaign financing.

Senate Bill No. 3325

Relating to alcoholic beverages.

Substitute Senate Bill No. 3346

Relating to affirmative action programs in Washington State employment.

Substitute Senate Bill No. 3356

Relating to county roads.

Senate Bill No. 3357

Relating to tuition and fees.

Substitute Senate Bill No. 3386

Relating to executive sessions of governing bodies.

Substitute Senate Bill No. 3390

Relating to nursing home auditing and cost reimbursement.

Senate Bill No. 3427

Relating to insurance holding corporations.

Senate Bill No. 3456

Relating to tax exemptions.

Substitute Senate Bill No. 3500

Relating to tourist and agricultural directional signs.

Substitute Senate Bill No. 3516

Relating to instruction in foreign languages .

Substitute Senate Bill No. 3553

Relating to abandoned, unauthorized and junk vehicles.

Senate Bill No. 3601

Relating to appointment of motor vehicle registration fee.

Substitute Senate Bill No. 3630

Relating to Washington high-technology coordinating board.

Substitute Senate Bill No. 3654

Relating to capital budget.

Substitute Senate Bill No. 3786

Relating to theft of shopping carts.

Substitute Senate Bill No. 3797

Relating to state schools for the blind, deaf and sensory handicapped.

Substitute Senate Bill No. 3911

Relating to housing authorities.

Senate Bill No. 4140

Relating to high school graduation requirements.

Senate Bill No. 4142

Relating to education.

Senate Bill No. 4155

Relating to court costs.

Senate Bill No. 4185

Relating to higher education tuition and fees.

Substitute Senate Bill No. 4209

Relating to regulation of persons removing or encapsulating asbestos.

Senate Bill No. 4278

Relating to motor vehicles.

Substitute Senate Bill No. 4386

Relating to special purpose districts.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

May 22, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 21, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3066

Relating to control of gambling.

Substitute Senate Bill No. 3279

Relating to home schooling.

Substitute Senate Bill No. 3283

Relating to historic preservation.

Substitute Senate Bill No. 3305

Relating to the jurisdiction of the utilities and transportation commission over economic rate regulation and entry control of telecommunications providers.

Senate Bill No. 3314

Relating to game fish.

Substitute Senate Bill No. 3450

Relating to firearms.

Senate Bill No. 3765

Relating to municipal utilities.

Substitute Senate Bill No. 4107

Relating to privileged communications for registered nurses.

Senate Bill No. 4115

Relating to sports facilities.

Substitute Senate Bill No. 4231

Relating to game license and permit fees.

Substitute Senate Bill No. 4263

Relating to enforcement of the wholesale distributor/supplier equity agreement act.

Senate Bill No. 4302

Relating to lie detectors.

Sincerely,  
Terry Sebring,  
Counsel to the Governor

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

## REPORT OF STANDING COMMITTEE

June 10, 1985

RESSB 3656 Prime Sponsor, Senator McDermott: Relating to the budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3656 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

## MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3656 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

## SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 3656, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Adopting the 1985-1987 biennial operating appropriations act.

## MOTION

On motion of Senator McDermott, Second Substitute Senate Bill No. 3656 was substituted for Reengrossed Substitute Senate Bill No. 3656 and the second substitute bill was placed on second reading and read the second time.

## MOTION

Senator Saling moved that the following amendment by Senators Saling, Metcalf, Barr, Bailey and Lee be adopted:

On page 77, beginning on line 13, insert a new subsection as follows:

"(5) Moneys not otherwise earmarked for specific appropriation within Sec. 602 of this act may be utilized for salary schedule increments for longevity or professional advancement for community college faculty or exempt staff."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Saling, Metcalf, Barr, Bailey and Lee.

## ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 33; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Saling, Sellar - 14.

Voting nay: Senators Bender, Bottiger, Conner, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 33.

Excused: Senators Bauer, von Reichbauer - 2.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, Lee, Metcalf, Benitz, Johnson, Patterson, Bailey, Barr, Saling, Bluechel, Zimmerman and Craswell be adopted:

On page 6, line 33, strike "Total Appropriation... \$7,780,000" and insert:

	FY 1986	FY 1987
*Emergency Appropriation Account . . . . . \$	75,000,000	75,000,000
Total Appropriation . . . . .	\$157,780,000	

There is created within the office of the State Treasurer a special account to be known as the Emergency Appropriation Account. The moneys in this account may only be utilized through appropriations by the Legislature, meeting in regular or special session, with a sixty percent affirmative vote of all members elected or appointed to each house. This amount, or any portion thereof, which may remain in the Emergency Appropriation Account at the end of the 1985-1987 fiscal biennium shall be transferred to the revenue accrual account pursuant to the provisions of RCW 82.32.400.\*

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Cantu, Lee, Metcalf, Benitz, Johnson, Patterson, Bailey, Barr, Saling, Bluechel, Zimmerman and Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 27; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, Zimmerman - 19.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Absent: Senator Newhouse - 1.

Excused: Senators Bauer, von Reichbauer - 2.

MOTION

Senator Lee moved that the following amendment by Senators Lee and Zimmerman be adopted:

On page 55, line 4, following "state," insert:

**\*NEW SECTION, Sec. 311. FOR THE SMALL BUSINESS IMPROVEMENT COUNCIL**

	FY 1986	FY 1987
General Fund Appropriation . . . . . \$	83,000,000	83,000,000
Total Appropriation . . . . .	\$166,000	

and renumber sections consecutively.\*

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Lee and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee, failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 28; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Voting nay: Senators Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Excused: Senators Bauer, von Reichbauer - 2.

### MOTION

Senator Bailey moved that the following amendments by Senators Bailey, Lee and Bluechel be considered simultaneously and adopted:

On page 61, line 5, strike "19,173,000" and insert "19,538,000"

On page 61, line 9, strike "27,049,000" and insert "27,414,000"

On page 62, line 23, following "clinics," insert "(11) \$365,000 of the general fund-state appropriation is provided solely for the purposes of Substitute House Bill No. 805, teachers/potential abuse training."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bailey, Lee and Bluechel.

### ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 29; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Saling, Sellar, Talmadge, Zimmerman - 18.

Voting nay: Senators Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn - 29.

Excused: Senators Bauer, von Reichbauer - 2.

### MOTION

Senator McDonald moved that the following amendments by Senators McDonald, Lee, Zimmerman and Craswell be considered simultaneously and adopted:

On page 74, line 21, following "technology," insert:

"NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PAYMENTS TO THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation - State .....\$ 111,765,000

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

(1) The superintendent of public instruction shall transfer \$33,000,000 of the funds provided solely by this section to the department of retirement systems during July and August 1985 for payment to the teachers' retirement system.

(2) \$21,320,000 is provided for the 1985-86 school year for: (a) State-funded certificated staff allocation to be distributed according to the allocation formula in sections 503, 506, 507, 508, 510 and 512 of this act in addition to the teachers' retirement system contributions contained in those sections; and (b) nonstate-funded certificated employees.

(3) \$136,021,442 has been provided in this act for teachers' retirement system pension funding for state-funded certificated staff allocation for sections 503, 506, 507, 508, 510 and 512 of this act during the 1985-86 school year."

Renumber sections consecutively thereafter

On page 91, strike line 18 through line 24 on page 92 and insert:

"NEW SECTION. Sec. 705. FOR THE GOVERNOR - RETIREMENT CONTRIBUTIONS

There is appropriated for all state agencies from the General Fund - State to the Special Fund Retirement Contribution Revolving Fund..... \$26,300,000.

There is appropriated for all state agencies from the Special Fund Retirement Contribution Revolving Fund..... \$ 25,100,000.

To facilitate payment of general fund - state and funds other than general fund - state funds by state agencies to the respective retirement funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund retirement contribution revolving fund hereby created in accordance with schedules provided by the office of financial management."

NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS - LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation .....	\$ 185,400,000	185,400,000
Total Appropriation.....	\$370,800,000	

\$185,400,000 of the appropriation for each fiscal year shall be deposited in the law enforcement officers' and fire fighters' retirement fund pursuant to RCW 41.26.080."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators McDonald, Lee, Zimmerman and Craswell.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senators Bauer, von Reichbauer - 2.

#### MOTION

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

On page 84, line 9, strike "17,966,000 17,967,000" and insert: "19,847,000 19,793,000"

On page 84, line 12, strike "39,607,000" and insert: "43,232,000"

On page 84, strike line 15 through line 25 and insert:

"(1) \$18,424,000 from the FY '86 general fund - state appropriation and \$18,424,000 from the FY '87 general fund - state appropriation are provided solely for student financial aid, including administrative costs. To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Lee.

The motion by Senator Lee failed and the amendments were not adopted.

#### MOTION

Senator Hayner moved that the following amendment be adopted:

On page 7, strike lines 26 through 29

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hayner.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 26; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Wojahn, Zimmerman - 19.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams - 26.

Absent: Senators McCaslin, Patterson - 2.

Excused: Senators Bauer, von Reichbauer - 2.

#### MOTION

On motion of Senator McDermott, the rules were suspended. Second Substitute Senate Bill No. 3656 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Lee: "Mr. President and ladies and gentlemen. The first thing I have to do is ask Senator McDermott a question as he's wandering through the back aisles. Senator McDermott, I wonder if you would yield to a question?"

"Senator McDermott, in the Ways and Means Committee this morning, I did offer one amendment that you assured me for the Primary Intervention Project. I offered that amendment because I've had school principals come and ask me and said they didn't see it in the budget any place. Would you tell me whether or not the Primary Intervention Project will be continued?"

Senator McDermott: "Yes, Senator Lee, when we wrote the budget we decided that current levels by definition were those programs that had run for the full two years of the last biennium. Anything that only ran for one year, we took out. The Primary Intervention Program that you're talking about in the schools was one that was there for two years and is contained within current levels, so it will continue to be operational."

Further debate ensued.

## POINT OF INQUIRY

Senator Saling: "Senator McDermott, I believe when the bill was on second reading you indicated that it was currently neutral as to whether or not the increments could be negotiated by the local community college districts. Is that correct?"

Senator McDermott: "Yes, it's silent. We gave the money to the State Board of Community Colleges to fund 83,300 students and we did not say it had to be spent for this or for that."

Senator Saling: "So, it is possible for the local community colleges to negotiate?"

Senator McDermott: "It is possible."

Senator Saling: "The next question deals with page 75 of the budget and it's section 601, subparagraph (3), dealing with the support of intercollegiate athletics. I just wanted to clarify the meaning of this language that says, 'No state funds may be used for the direct support of intercollegiate athletics, unless specifically allowed for in this act.' Does that include such things as equipment, travel, coaches salaries that are paid out of the General Fund Budget now?"

Senator McDermott: "This is broad language, Senator Saling. It says what it means, 'No state funds may be used for the direct support.' I'm not sure the categories under which those kinds of expenditures are carried, but it is my understanding and intention here that they not to be using other funds beyond what we have allowed."

Senator Saling: "In other words, the universities or colleges that have specific allocations for athletics, may use those funds in this budget for any of those purposes. If they're not specifically allocated funds for intercollegiate athletics, then this language would prevail and they would have to go to alumni funds or student athletic funds for funding those items?"

Senator McDermott: "That was our intention, yes."

Further debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, with respect to Section 121, sub (4) relating to funding for the prosecution and adjudication of DWI. When the bill refers to adjudication, it is intended, I presume, that the money in the budget can be allocated for prosecution of DWI related offenses, also?"

Senator McDermott: "Yes."

Senator Talmadge: "One further question, Senator. Section 121, sub (4) of the bill provides for a grant process for the allocation of the monies to combat drinking drivers. While the local governments now receiving the grants would have to re-apply, is it intended that local governments not now receiving grants would be eligible for such grants?"

Senator McDermott: "No."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3656.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3656 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 21.

Excused: Senator von Reichbauer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bottiger, Second Substitute Senate Bill No. 3656 was ordered immediately transmitted to the House.

#### PERSONAL PRIVILEGE

Senator McDermott: "Mr. President, I would like to speak on a point of personal privilege. Mr. President and members of the Senate, I want to express my thanks to everybody who sat on the Ways and Means Committee. We had interminable meetings, both majority and minority. Senator McDonald, Senator Lee and Senator Gaspard, my Vice Chairman, and all the ones who went through that whole process. I'm appreciative of the way in which it was done. The attempts to clarify the majority by the minority were always fair and I can only remember one occasion when I was a little bit unfair, otherwise I hope that you'll forgive me that one transgression.

"I would also like to say something publicly and that is that the conference committee was not just Senators--Representatives Grimm, Tilly and King did a very good job. The compromise proposals proposed by the House, I thought, were very positive and were working towards solving the problems and I think everybody needs a word of thanks, at least from me.

"Thank you."

#### MOTION

On motion of Senator Bottiger, the Senate commenced consideration of Senate Bill No. 3942.

#### SECOND READING

SENATE BILL NO. 3942, by Senator Peterson

Relating to driver licensing.

The bill was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46.20.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 61, Laws of 1979 and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle over and upon the public highways of this state in connection with farm work, the director may issue a limited driving permit containing a photograph to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother, or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit authorizes the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of ~~((one))~~ three dollars for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the ~~((traffic))~~ highway safety ~~((education account in the general))~~ fund.

The director may transfer this permit from one farming locality to another, but this does not constitute a renewal of the permit.

The director may deny the issuance of a juvenile agricultural driving permit to any person whom the director determines to be incapable of operating a motor vehicle with safety to himself or herself and to persons and property.

The director may suspend, revoke, or cancel the juvenile agricultural driving permit of any person when in the director's sound discretion the director has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director may suspend, cancel, or revoke a juvenile agricultural driving permit when in the director's sound discretion the director is satisfied the restricted character of the permit has been violated.

Sec. 2. Section 8, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 63, Laws of 1979 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 ~~((two))~~ five dollars ~~((and fifty cents))~~. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every ~~((said))~~ such application shall state the full name, date of birth, sex, and 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 ~~((PROVIDED, HOWEVER, THAT))~~ 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. 3. Section 4, chapter 155, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1985 and RCW 46.20.117 are each amended to read as follows:

(1) The department shall issue "identicards," containing a picture, to individuals for a fee of ~~((three))~~ four dollars. ~~((Such fee shall be deposited in the highway safety fund.))~~ However, the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. The fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence ~~((commensurate to))~~ as required by the ~~((regulations))~~ rules adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver's license. The identocard shall be valid for five years.

(2) The department may cancel an "identocard" upon a showing by its records or other evidence that the holder of such "identocard" has committed a violation relating to "identicards" defined in RCW 46.20.336.

Sec. 4. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 6, chapter 61, Laws of 1979 and RCW 46.20.120 are each amended to read as follows:

No new driver's license may be issued and no previously issued license may be renewed until the applicant therof has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license

examination a fee of ~~((three)) seven~~ dollars shall be paid by each applicant, in addition to the fee charged for issuance of the license. A new license is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is outside the state at the time his or her driver's license expires or who is unable to renew the license due to any incapacity may renew the license within sixty days after returning to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 5. Section 46.20.200, chapter 12, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.200 are each amended to read as follows:

~~((In the event that)) (1) If an instruction permit, identocard, or a driver's license ~~((shall be)) is lost or destroyed, the person to whom ~~((the same)) it was issued may obtain a duplicate ~~((thereof)) of it upon furnishing proof of such fact satisfactory to the department ~~((without reexamination upon)) and payment of a fee of ~~((two)) five~~ dollars ~~((and fifty cents)) to the department.~~~~~~~~~~~~

(2) A replacement permit, identocard, or driver's license may be obtained to change or correct material information upon payment of a fee of two dollars and surrender of the permit, identocard, or driver's license being replaced.

Sec. 6. Section 46.20.380, chapter 12, Laws of 1961 as last amended by section 12, chapter 61, Laws of 1979 and RCW 46.20.380 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((ten)) twenty-five~~ dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 7. Section 4, chapter 20, Laws of 1967 ex. sess. as amended by section 3, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.470 are each amended to read as follows:

There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement nor more than three dollars for subsequent endorsement renewals. The ~~((said))~~ fee shall be deposited in the highway safety fund.

Sec. 8. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 2, chapter 77, Laws of 1982 and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which is not refundable. The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than four dollars for the initial or new category examination nor more than two dollars for a subsequent renewal examination. ~~((One)) Two~~ dollars of the initial or new category examination fee and ~~((one)) two~~ dollars of any subsequent fee for a renewal shall be deposited in the motorcycle safety education account of the highway safety fund.

Sec. 9. Section 3, chapter 77, Laws of 1982 as amended by section 3, chapter 234, Laws of 1985 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility.

and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.

Sec. 10. Section 5, chapter 169, Laws of 1963 as last amended by section 63, chapter 136, Laws of 1979 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved((:)), whether the vehicles were legally parked or moving, and((:)) whether ((such)) the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of ((said)) the person for violation of the motor vehicle laws as reported to the department((--and)), reference to any findings that the person has committed a traffic infraction which have been reported to the department((:)), and a record of any vehicles registered in the name of ((such)) the person. The department shall collect for each abstract the sum of ((one)) three dollars and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of ((one)) three dollars and fifty cents which shall be deposited in the highway safety fund.

Sec. 11. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130 are each amended to read as follows:

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

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

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

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

Any employer or prospective employer receiving ((such)) the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information ((~~therein~~)) contained in it to a third party.

Any violation of this section ((shall be)) is a gross misdemeanor.

Sec. 12. Section 4, chapter 25, Laws of 1965 as last amended by section 3, chapter 245, Laws of 1981 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit

such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) ~~((One dollar and forty cents of each fee collected for a temporary instruction permit shall be deposited in the traffic safety education account in the general fund.~~

(3)) Out of each fee of fourteen dollars collected for a driver's license, the sum of ten dollars and twenty cents shall be deposited in the highway safety fund, and three dollars and eighty cents shall be deposited in the general fund.

~~((Out of each fee of seven dollars collected for any two-year license renewal during the period July 1, 1981, through June 30, 1983, the sum of five dollars and ten cents shall be deposited in the highway safety fund and one dollar and ninety cents shall be deposited in the general fund.))~~

NEW SECTION. Sec. 13. Section 51, chapter 145, Laws of 1967 ex. sess., section 2, chapter 155, Laws of 1969 ex. sess., section 1, chapter 191, Laws of 1975 1st ex. sess., section 148, chapter 158, Laws of 1979 and RCW 46.20.115 are each repealed.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

#### MOTION

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

On line 1 of the title, after licensing, insert the following:

"Amending RCW 46.20.070, 46.20.091, 46.20.117, 46.20.120, 46.20.200, 46.20.380, 46.20.470, 46.20.505, 46.20.510, 46.29.050, 46.52.130, and 46.68.041; repealing RCW 46.20.115; declaring an emergency; and providing an effective date."

#### MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3942 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3942.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3942 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Barr, Bluechel, Bottiger, DeJarnatt, Fleming, Goltz, Granlund, Guess, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Bailey, Bauer, Bender, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hayner, Lee, McCaslin, McDonald, Pullen, Rasmussen, Saling, Sellar, Stratton, Warnke - 20.

Absent: Senator Benitz - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 3942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 3942 was ordered immediately transmitted to the House.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

June 10, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 1327,

HOUSE BILL NO. 1328, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1327 by Representatives Grimm, P. King and Holland

Authorizing the issuance of general obligation bonds for common school facilities.

Hold.

HB 1328 by Representative Grimm

Authorizing the issuance of general obligation bonds for capital projects.

Hold.

## MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1327 and House Bill No. 1328 were advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, further consideration of House Bill No. 1327 and House Bill No. 1328 was deferred.

## MOTION

At 1:04 p.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Cherberg.

## MOTION

At 2:30 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:48 p.m. by President Cherberg.

## MESSAGES FROM THE HOUSE

June 10, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 14, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 14.

## MOTIONS

On motion of Senator Bottiger, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3651 and Senate Bill No. 3652.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3651 and Senate Bill No. 3652 were advanced to second reading and placed on the second reading calendar.

## MOTIONS

On motion of Senator Bottiger, the Senate returned to the sixth order of business.

On motion of Senator Bottiger, the Senate commenced consideration of House Bill No. 1327.

## SECOND READING

HOUSE BILL NO. 1327, by Representatives Grimm, P. King and Holland

Authorizing the issuance of general obligation bonds for common school facilities.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. How many votes does House Bill No. 1327 take to pass?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes it will take a simple majority, Senator."

Senator McDonald: "Is that because it has passed previously as a bond issue and we are just reauthorizing?"

President Cherberg: "The measure is not dealing with the sale of bonds."

Senator McDonald: "O.K. Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1327.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1327 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Benitz, Newhouse, Pullen, Rasmussen - 4.

Absent: Senator Johnson - 1.

Excused: Senator von Reichbauer - 1.

HOUSE BILL NO. 1327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PARLIAMENTARY INQUIRY

Senator Newhouse: "A point of parliamentary inquiry. I'm a little disturbed by your previous ruling when I read the language of the bill. These are bonds that were previously authorized, but it does change the purposes for which those bonds may be sold and my frank opinion then is that it should require the sixty percent vote."

## REPLY BY THE PRESIDENT

President Cherberg: "In reply to Senator Newhouse's inquiry, the President has indicated to Senator Newhouse and now to the Senate that he will take his particular point under advisement and report back at a later date."

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

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4196, by Committee on Commerce and Labor (originally sponsored by Senators Warnke, Cantu and Wojahn) (by Employment Security Department request)

Providing for special programs to assist the unemployed and underemployed.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 4196 was returned to second reading and read the second time.

## MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Owen, Warnke and Bottiger be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that:

(1) The number of persons unemployed in the state is significantly above the national average.

(2) Persons who are unemployed represent a skilled resource to the economy and the quality of life for all persons in the state.

(3) There are jobs available in the state that can be filled by unemployed persons.

(4) A public labor exchange can appreciably expedite the employment of unemployed job seekers and filling employer vacancies thereby contributing to the overall health of the state and national economies.

(5) The Washington state job service of the employment security department has provided a proven service of assisting persons to find employment for the past fifty years.

(6) Expediting the reemployment of unemployment insurance claimants will reduce payment of claims drawn from the state unemployment insurance trust fund.

(7) Increased emphasis on assisting in the reemployment of claimants and monitoring claimants' work search efforts will positively impact employer tax rates resulting from the recently enacted experience rating legislation, chapter 205, Laws of 1984.

(8) Special employment service efforts are necessary to adequately serve agricultural employers who have unique needs in the type of workers, recruitment efforts, and the urgency of obtaining sufficient workers.

(9) Study and research of issues related to employment and unemployment provides economic information vital to the decision-making process.

The legislature finds it necessary and in the public interest to establish a program of job service to assist persons drawing unemployment insurance claims to find employment, to provide employment assistance to the agricultural industry, and to conduct research into issues related to employment and unemployment.

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

(1) "Job service" means the employment assistance program of the employment security department;

(2) "Employment assistance" means services to unemployed persons focused on and measured by the obtaining of employment;

(3) "Labor exchange" means those activities which match labor supply and labor demand, including recruitment, screening, and referral of qualified workers to employers;

(4) "Special account of the administrative contingency fund" means that fund under section 8 of this act established within the administrative contingency fund of the employment security department which provides revenue for the purposes of this chapter.

(5) "Continuous wage and benefit history" means an information and research system utilizing a longitudinal data base containing information on both employment and unemployment.

NEW SECTION, Sec. 3. Job service resources shall be used to assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery. The job service program of the employment security department may undertake any program or activity for which funds are available and which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

(1) Supplementing basic employment services, with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

(2) Providing employment services, such as recruitment, screening, and referral of qualified workers, to agricultural areas where these services have in the past contributed to positive economic conditions for the agricultural industry;

(3) Providing otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment; and

(4) To research and consider the degree to which the employment security department can contract with private employment agencies, private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment preparation on a fee for service-performance basis.

Sec. 4. Section 8, chapter 35, Laws of 1945 as last amended by section 9, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.070 are each amended to read as follows:

"Contributions" means the money payments due to the state unemployment compensation fund as provided in RCW 50.24.010 ~~((or))~~, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under section 8 of this 1985 act.

Sec. 5. Section 8, chapter 266, Laws of 1959 as last amended by section 10, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.072 are each amended to read as follows:

The terms "contributions" and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund ~~((or))~~, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under section 8 of this 1985 act and are deemed to be taxes due to the state of Washington.

Sec. 6. Section 60, chapter 35, Laws of 1945 as last amended by section 5, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, ~~((and))~~ all sums recovered on official bonds for losses sustained by the fund, and revenue received under section 8 of this 1985 act: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under section 8 of this 1985 act, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under section 8 of this 1985 act may only be expended, after appropriation, for the purposes specified in this 1985 act.

Sec. 7. Section 5, chapter 205, Laws of 1984 and RCW 50.29.025 are each amended to read as follows:

For the rate year 1984 and each rate year thereafter, 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) or (6) of this section shall be in effect for assigning tax rates for the rate year: PROVIDED, That a uniform tax rate of 3.3 percent shall be in effect for the rate year 1984. The intervals for determining the effective tax schedule shall be:

Interval of the  
Fund Balance Ratio

Effective

## Expressed as a Percentage

3.40 and above  
 2.90 to 3.39  
 2.40 to 2.89  
 1.90 to 2.39  
 1.40 to 1.89  
 Less than 1.40

## Tax Schedule

A  
 B  
 C  
 D  
 E  
 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) or (6) 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) Except as provided in subsection (6) of this section, 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	0.5	0.6	1.0	1.5	1.9	2.5
5.01	10.00	2	0.5	0.8	1.2	1.7	2.1	2.7
10.01	15.00	3	0.6	1.0	1.4	1.8	2.3	2.9
15.01	20.00	4	0.8	1.2	1.6	2.0	2.5	3.1
20.01	25.00	5	1.0	1.4	1.8	2.2	2.7	3.2
25.01	30.00	6	1.2	1.6	2.0	2.4	2.8	3.3
30.01	35.00	7	1.4	1.8	2.2	2.6	3.0	3.4
35.01	40.00	8	1.6	2.0	2.4	2.8	3.2	3.6
40.01	45.00	9	1.8	2.2	2.6	3.0	3.4	3.8
45.01	50.00	10	2.0	2.4	2.8	3.2	3.6	4.0
50.01	55.00	11	2.3	2.6	3.0	3.4	3.8	4.1
55.01	60.00	12	2.5	2.8	3.2	3.6	4.0	4.3
60.01	65.00	13	2.7	3.0	3.4	3.8	4.2	4.5
65.01	70.00	14	2.9	3.2	3.6	4.0	4.4	4.7
70.01	75.00	15	3.1	3.4	3.8	4.2	4.6	4.8
75.01	80.00	16	3.3	3.6	4.0	4.4	4.7	4.9
80.01	85.00	17	3.5	3.8	4.2	4.6	4.9	5.0
85.01	90.00	18	3.9	4.2	4.6	4.9	5.0	5.2
90.01	95.00	19	4.3	4.6	5.0	5.1	5.2	5.4
95.01	100.00	20	5.4	5.4	5.4	5.4	5.4	5.4

(6) For rate years 1986 and 1987, 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 a rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent: PROVIDED, That 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. 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.

**NEW SECTION.** Sec. 8. A new section is added to chapter 50.24 RCW to read as follows:

A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

If the commissioner determines that federal funding has been increased to provide financing for the services specified in this act, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Contributions under this section shall be payable only for calendar years 1986 and 1987.

**NEW SECTION.** Sec. 9. A new section is added to chapter 50.44 RCW to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

Sec. 10. Section 2, chapter 1, Laws of 1971 as last amended by section 1, chapter 1, Laws of 1983 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) either:

(a) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) Equaled or exceeded six percent: PROVIDED, That the six percent trigger shall apply only until ((April 30, 1984)) December 31, 1985.

(3) There is an "off" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period

consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) was either:

(a) Less than five percent; or  
 (b) Five percent or more but less than six percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen week period ending in each of the two preceding calendar years: PROVIDED, That the six percent trigger shall apply only until ~~((April 30, 1984))~~ December 31, 1985.

(4) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(5) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(6) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) ~~((An "additional benefit period" means a period within an extended benefit period which:~~

~~(a) Begins with the third week after a week for which:~~

~~(i) The governor determines that adverse economic conditions and high unemployment among the state's workers necessitate payment of additional benefits; and~~

~~(ii) The commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection equals or exceeds six and one-half percent: PROVIDED, That six percent shall apply if the fifty-two week rate of insured unemployment has been less than four and one-half percent at any time within the preceding one hundred four weeks.~~

~~(b) Ends with the third week after a week for which the commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection is less than six and one-half percent: PROVIDED, That six percent shall apply if the additional benefit period began because of the proviso in (a)(ii) of this subsection, the fifty-two week rate of insured unemployment has not exceeded six and one-half percent during the additional benefit period, and the additional benefit period has been in effect for fewer than thirty-six weeks.~~

~~(c) No additional benefit period may last for a period of less than thirteen weeks, and no additional benefit period may begin before the fourteenth week after the close of a prior additional benefit period.~~

~~(d) "Rate of insured unemployment," for the purposes of (a) and (b) of this subsection, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent fifty-two consecutive week period as determined by the commissioner on the basis of his reports to the United States Secretary of Labor by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such fifty-two week period. The division shall be carried to the fourth decimal place with any remaining fraction disregarded.~~

~~(e) If a federally funded program of benefits is established which provides for benefits beyond thirty-nine weeks, any additional benefit period in effect shall terminate on the last day of the week preceding the effective week of the federal program. No additional benefit period may begin while such a federal program is in effect.~~

~~(9)) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.~~

~~((10)) (9) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:~~

~~(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or~~

~~(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits:~~

PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

((++)) (10) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION, Sec. 11. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established beginning on the first Sunday after the effective date of this act. No new claims for additional benefits will be accepted for weeks beginning after December 31, 1985. This additional benefit period shall end with the start of an extended benefit period or with the start of any totally federally funded benefit program for exhaustees.

(2) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(3) The total additional benefit amount shall be the lesser of one-third of regular benefits or eight times the individual's weekly benefit amount.

(4) Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim.

(5) The maximum amount of additional benefits for an individual shall be reduced, but not below zero, by any federal supplemental compensation paid based on the individual's most recent benefit year.

(6) Benefits paid under this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating account of individual employers.

(7) This section shall expire on December 31, 1986.

NEW SECTION, Sec. 12. The commissioner shall make a report to the legislature on the impact of the job service program established pursuant to this act by December 1, 1987.

NEW SECTION, Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 18, Laws of 1982 1st ex. sess., section 1, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.100;

(2) Section 18, chapter 18, Laws of 1982 1st ex. sess., section 2, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.110;

(3) Section 19, chapter 18, Laws of 1982 1st ex. sess., section 3, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.120; and

(4) Section 1, chapter 140, Laws of 1984 and RCW 50.44.052.

NEW SECTION, Sec. 14. Sections 1, 2, 3, and 8 of this act shall expire March 31, 1988.

NEW SECTION, Sec. 15. The sum of four million dollars, or so much thereof as may be necessary, is appropriated from the special account of the administrative contingency fund of the employment security department to the employment security department to support the job service program under sections 1 through 3 of this act for the 1985-1987 fiscal biennium. However, if federal funding is increased to provide for the financing of the services specified in this

act, this appropriation shall be reduced by the amount that federal funding is increased specifically for such services. This portion of the state appropriation shall be deposited in the unemployment compensation fund.

NEW SECTION, Sec. 16. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act.

NEW SECTION, Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 18. Sections 1 through 3 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION, Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

On motion of Senator Vognild, the following amendment by Senators Vognild and Pullen to the amendment was adopted:

On page 14, line 29 of the amendment, strike "one-third of regular benefits or eight" and insert "one-fourth of regular benefits or six"

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Owen, Warnke and Bottiger, as amended.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Vognild, Owen, Warnke and Bottiger, as amended.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 21.

Excused: Senator von Reichbauer - 1.

#### MOTION

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

On page 1, line 1 of the title, after "unemployed;" strike the remainder of the title and insert "amending RCW 50.04.070, 50.04.072, 50.16.010, 50.29.025, and 50.22.010; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.44 RCW; creating new sections; repealing RCW 50.22.100, 50.22.110, 50.22.120, and 50.44.052; making an appropriation; providing an expiration date; and declaring an emergency."

#### MOTION

On motion of Senator Vognild, the rules were suspended, Reengrossed Substitute Senate Bill No. 4196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 4196.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 4196 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 20.

Absent: Senator Johnson - 1.

Excused: Senator von Reichbauer - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, Reengrossed Substitute Senate Bill No. 4196 was ordered immediately transmitted to the House.

#### MOTION

At 4:32 p.m., on motion of Senator Bottiger, the Senate recessed until 5:30 p.m.

#### SECOND AFTERNOON SESSION

The Senate was called to order at 5:35 p.m. by President Cherberg.

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

#### MESSAGE FROM THE HOUSE

June 10, 1985

Mr. President:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 3656, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### MOTIONS

On motion of Senator Bottiger, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of Engrossed Second Substitute Senate Bill No. 3679 and Engrossed Third Substitute Senate Bill No. 3827.

On motion of Senator Bottiger, Engrossed Second Substitute Senate Bill No. 3679 and Engrossed Third Substitute Senate Bill No. 3827 were placed on the third reading calendar.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3656.

#### MOTION

At 5:38 p.m., on motion of Senator Vognild, the Senate recessed until 7:30 p.m.

#### EVENING SESSION

The Senate was called to order at 7:30 p.m. by President Cherberg.

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

#### MESSAGE FROM THE HOUSE

June 10, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1327, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1327.

## MOTIONS

On motion of Senator Bottiger, the Senate advanced to the seventh order of business.

On motion of Senator Bottiger, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 3679.

## THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3679, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Authorizing general obligation bonds.

## MOTIONS

On motion of Senator Boltiger, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3679 was returned to second reading and read the second time.

Senator Bottiger moved that the following amendment by Senators Bottiger and Hansen be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of four hundred twenty-five million eight hundred fifty-one thousand dollars, or so much thereof as may be required, to finance the projects authorized in section 2 of this act and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**NEW SECTION.** Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of general administration, department of trade and economic development, military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of trade and economic development, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of thirty-eight million seven hundred sixty-two thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of three million two hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of ecology, parks and recreation commission, department of fisheries, department of game, and the department of natural resources to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the outdoor recreation account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of three million three hundred fifty-nine thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital project account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of fifty-nine million six hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of the state treasurer, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-three million six hundred forty-three thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses

incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of forty million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for capital improvements consisting of the planning, acquisition, construction, rehabilitation, and improvement of agricultural water supply facilities as defined in RCW 43.99E.030 within this state, 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, cost of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The department shall pursue projects or a combination of projects that provide a balanced combination of long-term economic development benefits, and environmental and quality of life benefits. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state and local improvements revolving account—water supply facilities, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of ecology, subject to legislative appropriation. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(9) General obligation bonds of the state of Washington in the sum of thirty-three million nine hundred twenty-eight thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(10) General obligation bonds of the state of Washington in the sum of one hundred million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities in this state, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the water quality account, hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of ecology, subject to legislative appropriation. The state finance committee shall only issue bonds for the purposes of this subsection if it determines that the cash needs of the water quality program over the next twelve months exceed the expected revenues from other sources.

(11) General obligation bonds of the state of Washington in the sum of eighty million six hundred ten thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection.

NEW SECTION. Sec. 3. Both principal of and interest on the bonds issued for the purposes specified in section 2 (1) through (8) and (10) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state

revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION, Sec. 4. Both principal of and interest on the bonds issued for the purposes of section 2(9) of this act shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION, Sec. 5. Both principal of and interest on the bonds issued for the purposes of section 2(11) of this act shall be payable from the state higher education bond retirement fund of 1977. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION, Sec. 6. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 7. On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to section 4 of this act, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of section 2(9) of this act for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION, Sec. 8. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 through 5 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 9. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 10. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 162, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.020 are each amended 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 (~~at any time prior to January 1, 1985~~) general obligation bonds of the state of Washington in the sum of thirty-four million five 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 1, chapter 13, Laws of 1969 as last amended by section 1, chapter 108, Laws of 1974 ex. sess. and RCW 28A.47.792 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold general obligation bonds of the state of Washington in the sum of (~~twenty-six million four~~) twenty-two million five hundred thousand dollars to be paid and discharged in accordance with terms to be established by the state finance committee. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the ~~twenty-six million four hundred thousand dollar~~ bond issue shall be sold unless there are insufficient funds in the common

school construction fund to meet appropriations authorized by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28A.47.784 through 28A.47.791, as amended, and in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 12. Section 1, chapter 141, Laws of 1980 and RCW 28A.47B.010 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington in the sum of (~~thirty million~~) twenty-two million seven hundred thousand dollars or so much thereof as may be required to provide state assistance to local school districts for the construction of common school plant facilities and to compensate the common school construction fund for the sale of timber from common school, indemnity, and escheat trust lands sold to the parks and recreation commission prior to March 13, 1980, pursuant to RCW 43.51.270 and 43.51.280. The amount of bonds issued under this chapter shall not exceed the fair market value of the timber. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation and these bonds shall be paid and discharged in not more than thirty years of the date of issuance.

Sec. 13. Section 1, chapter 135, Laws of 1973 1st ex. sess. and RCW 28B.10.850 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~thirty-four million three~~) thirty million two hundred thousand dollars or so much thereof as shall be required to finance the capital projects relating to the institutions of higher education as set forth in the capital appropriations act, chapter 114, Laws of 1973 1st ex. sess., to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 14. Section 1, chapter 354, Laws of 1977 ex. sess. as amended by section 2, chapter 390, Laws of 1985 and RCW 28B.14C.010 are each amended to read as follows:

The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of (~~sixty~~) forty-eight million six hundred thousand dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington building revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University building revenue bonds and building and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College building and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College building and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College building and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College building revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

Sec. 15. Section 1, chapter 230, Laws of 1979 ex. sess. and RCW 43.83.150 are each amended to read as follows:

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~fifteen million~~) twelve million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.150 through 43.83.170 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

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 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, what you are attempting to do here with Referendums 38 and 39, as you stated--were measures approved by the people some years ago, you are changing the purposes by this for which those bonds are authorized."

Senator Bottiger: "I don't believe I'm changing the purposes. I'm directing within the purposes stated within the ballot title and on the ballot--redirecting funds within those purposes and kind of earmarking them for irrigation projects."

Senator Newhouse: "That's kind of a cute maneuver but the Department of Ecology already has authority to expend and if you're giving the same purposes then, is this bill really necessary?"

Senator Bottiger: "I'll defer to Senator Hansen. My agriculture experiences are limited to twelve and a half acres."

Senator Newhouse: "I'm asking for legal. I'm not asking for a farmer's horse-back estimate."

#### REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Mr. President. Irv, this is part of the agreement I had with the Governor when we agreed on the 40 million dollars for the irrigation bonds and to keep us from running over the bond limit--was to dedicate 18 million dollars out of Referendum 38, which was already voted by the people for this purpose. All it's doing is dedicating this 18 million dollars for this purpose until the 40 million dollars that will be in the bond issue that won't be sold until after the 1991-

93 biennium. At that time, if everything's positive on the EIC's the repayment capabilities to the project by the landowners, then the 40 million dollars would be there at that time to carry out the construction part of the project."

Senator Newhouse: "My concern is that as I recall, Referendum 39, I believe, and you're getting into both 38 and 39, a large portion of it was dedicated solely to energy related activities and would not be available for this purpose, and I think that amendment was put on by Senator Bottiger himself. Now, if we change that purpose I am concerned that we're changing the purpose of the bond issue which the people have approved and we're not submitting to the people that bond issue for their approval of the change."

Senator Hansen: "You are talking about Referendum 39 money and we are just now redirecting the 50 million dollars for water quality instead of energy related water quality."

#### POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, we're talking 3679 and I see on the same flash calendar Senate Bill No. 3827. What is the order that you intend to consider these?"

Senator Bottiger: "One of these issues is the water quality issue that we are all aware is under heavy negotiation for some kind of settlement. It is our intent to make every effort to reach a compromise between--I'm not sure the problem is between the two caucuses in the Senate--but every effort to reach a compromise with the House. The willingness to give and to compromise is necessary if we are going to get a water quality bill through here. One of these measures deals with that water quality and I'm candid in saying that I candidly don't know which of these two."

Senator Newhouse: "To refresh your memory a bit--my concern is that the bond issue thing which you have listed first takes a sixty percent vote and I want to make sure that the one that is listed second passes first, so before the bond issue passes, we can be aware of what is happening on the water quality issue."

Senator Bottiger: "Senator, I understand what you are saying and I hope everybody else does. There will be no supporting votes for any of these bond issues until the water quality issue is out of the way--a legitimate use of political votes. I have no quarrel with that. At the same time, we may very well be going home shortly and at least some of us who are interested in irrigation--whether it be on the Enitat or the Yakima--would like to see this irrigation issue addressed, up or down or sideways. It's a very minor part of the entire water quality issue, but irrigation is an essential part of the agricultural community of eastern Washington of which I am belatedly a member. I would like to see that we do something about irrigation."

Further debate ensued.

#### MOTIONS

On motion of Senator Bottiger, further consideration of Engrossed Second Substitute Senate Bill No. 3679 was deferred.

At 7:45 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 10:04 p.m. by President Cherberg.

#### MOTION

At 10:04 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, June 11, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, June 11, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer and Conner.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Christoffersen and Anthony Ochs, presented the Colors. Reverend Dennis Hartsook, pastor of the Saint Mark Lutheran Church of Lacey, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

May 9, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Beverly Archambeault, appointed May 9, 1985, for a term ending January 18, 1988, as a member of the State Board of Pharmacy, succeeding Rita Robison.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Service and Corrections.

May 9, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Lloyd Yee Young, appointed May 9, 1985, for a term ending January 21, 1989, as a member of the State Board of Pharmacy, succeeding Joseph J. Thompson.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Service and Corrections.

#### MESSAGES FROM THE HOUSE

June 10, 1985

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3656, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 1326, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3942, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1256, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 4196, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 4196.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 3942.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1256 by Representative Grimm

Relating to increases in revenue.

Hold.

HB 1326 by Representatives Peery, P. King and R. King (by Governor Gardner request)

Authorizing sales and use tax deferrals on certain investment projects for persons not currently engaged in manufacturing or research and development in Washington State.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Engrossed House Bill No. 1256 and House Bill No. 1326 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 9:10 a.m., on motion of Senator Vognild, the Senate recessed until 9:40 a.m.

#### SECOND MORNING SESSION

The Senate was called to order at 10:32 a.m. by President Cherberg.

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

#### SECOND READING

HOUSE BILL NO. 1326, by Representatives Perry, P. King and R. King (by Governor Gardner request)

Authorizing sales and use tax deferrals on certain investment projects for persons not currently engaged in manufacturing or research and development in Washington State.

The bill was read the second time.

#### MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin, Lee and Cantu be adopted:

On page 3, strike new section 3.

Renumber remaining sections consecutively.

#### POINT OF INQUIRY

Senator Bottiger: "Senator McCaslin, with your amendment adopted, as I read the bill, Denny's Restaurant would qualify for a sales tax deferral. Do you agree with that interpretation?"

Senator McCaslin: "No, I would not. I would say that if Dennys expanded, then they would be within that amendment."

Senator Bottiger: "Senator, do you have any idea then what the fiscal note on this tax deferral would be?"

Senator McCaslin: "No. No more than you have the idea of the fiscal note on what this might do, if we would just adopt this."

Senator Bottiger: "There is a fiscal note, Senator, on the loss of revenue for existing projects under the bill as it came over from the House. It's about \$480,000. Now, when we got into problems before with the sales tax deferral there was a list of horrors under the old bill and if you expand this bill then you will have a serious problem with the revenue estimates of this state. That's why the bill is very narrowly and carefully drafted."

Senator McCaslin: "This is just a deferral, Senator. We're not forgiving taxes."

Senator Bottiger: "You're deferring it for three years which puts us halfway into the next biennium, so in this biennium you have a huge revenue loss."

Senator McCaslin: "I know, but what we're going to have is a huge revenue increase if we adopt this and I think you and I both want that."

Further debate ensued.

#### POINT OF ORDER

Senator McDermott: "Mr. President, a point of order. I would raise the question of scope and object on this amendment. The title of the act is an act relating to sales and use tax deferrals for manufacturing or research and development investment projects for persons not currently engaged in manufacturing or research and development in Washington state. The effect of this amendment would be to broaden it to those companies which are presently within the state although that may be a good project for us to consider in the future, it is beyond the scope and object of the title of the bill."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, in arguing against the scope and object ruling, I think it would be an incredible precedent if indeed we could not strike sections of a bill—that any bill out here had to be intact or it would no longer fit within the title of the act. I suspect that you'll look at other bodies that have ruled in this, but I also think that it is extremely important for precedent that this amendment, which is simply a striking amendment, would be ruled within the scope and object of the bill."

#### REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President, I too, would like to echo the remarks of Senator McDonald. I can't in any way see that you expand the scope and object of the bill or expand the title by merely deleting some language from the bill. All that does is to leave you with a relatively broader title with respect to the language that remains in the bill."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking to the point of order, the questions that I asked of Senator McCaslin were designed to demonstrate the fact that the purpose of the amendment is to expand the scope of the bill to include many more manufacturers that would not be eligible under the title for substantial tax deferral. It would impact our budget. It would impact the revenue of the state and it clearly expands the title of the bill. That's what the amendment was offered to do. That's what Senator McCaslin very candidly admitted that it did, so it clearly expands the scope and the title of the bill."

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I wasn't going to address this, but I would point out to Senator Bottiger that if the bill were passed as is without the amendment, the Governor would have the right to strike that and accomplish the very same purpose."

## REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. I think with the striking of part of the title, I think I've corrected what you're bringing up Senator Bottiger. But, I do wish to point out, Senator Bottiger, that we're not talking about Dennys and hamburgers and McDonalds and Safeways and I think that if you look at sub (5) Section 1, 'Manufacturing means all activities of a commercial industrial nature, etc., etc. or useful substance or article that the producing of tangible personal property to produce the sale for commercial or industrial use.' So, we're not talking about Dennys; we're not talking about McDonalds or Safeways or Albertsons, so I don't think we're expanding it, we're improving it actually and we're taking out that part of the title which you're saying I am expanding."

## FURTHER REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I don't want to belabor it, but to reply to Senator Newhouse, there is another judge that determines whether we expand the scope and object and that's the court system. It isn't just the ruling of the Lieutenant Governor that is in question here, it's whether a challenge would be supported in court. Senator McCaslin, you're reading from the definition section and you're absolutely correct but a definition section isn't operative. The only place that language appears is in Section 3 as to who can apply. If you take out Section 3, you've opened this up to quote Section 4--'any applicant.'"

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Bottiger's remarks have indicated we are passing unconstitutional legislation which is a special privilege and only related to one company and I think that the constitutional question is very grave that if it can be proven that we are aiming at one company, we're not making fair legislation for all the people of the state. So, the judges have looked at that many, many times and say that you cannot have special legislation and have it stand up under the Constitution."

At 10:50 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:26 a.m. by President Pro Tempore Goltz.

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

## MOTION

Senator Vognild moved that Senate Floor Resolutions No. 24, 32, 40, 65, 69, 70, 82, 83, 111, 112, 118, 119 and 120 be adopted.

## POINT OF INQUIRY

Senator Deccio: "Senator Vognild, how are some of the other resolutions to be handled? I have one my caucus has authorized me to put together and I am just wondering how it would be handled?"

Senator Vognild: "Senator, any resolution that deals with any type of actual legislature study or any direction of the legislature will be referred to the Executive Rules Committee which has the authority to act on it. Any other resolution that has been submitted honoring someone will be a situation if we have time, we will try to handle it."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to adopt Senate Resolutions No. 24, 32, 40, 65, 69, 70, 82, 83, 111, 112, 118, 119 and 120.

The motion by Senator Vognild carried and the following resolutions were adopted:

## SENATE RESOLUTION 1985-24

by Senators Conner, Rasmussen, Guess, Garrett and Johnson

WHEREAS, The people of the state of Washington, in the spirit of centennial, wish to accord recognition and honor to Washingtonians who have served their state well; and

WHEREAS, Francis Pearson (1909-1984), pursued a brilliant career in service to the state of Washington in spite of being totally blind; and

WHEREAS, His blindness, which struck during the 1955 session of the Legislature, did not deter him from carrying out legislative responsibilities through his amazing ability to retain all matter which was read to him; and

WHEREAS, Francis Pearson, after service in the House of Representatives (1937-1947), and service in the State Senate (1947-1957), went on to be appointed by Governor Albert D. Rosellini to the Utilities and Transportation Commission of which he became chairman; and

WHEREAS, Francis Pearson, by virtue of his ability to retain volumes of laws and rules relating to utilities regulation, received national recognition from the National Association of Regulatory Utilities Commissioners;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Senate does accord grateful recognition to this remarkable native son, Francis Pearson, and appreciation for extraordinary services rendered; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to Mrs. Betty Pearson.

## SENATE RESOLUTION 1985-32

by Senators Warnke and Johnson

WHEREAS, The Auburn High School Marching Band was a participant in the most recent Tournament of Roses Parade in Pasadena, California; and

WHEREAS, The selection to participate in the Tournament of Roses Parade is a great honor and recognition of the excellence of the band, since only eight high school bands are selected from outside California, and the selection committee had applications from three hundred bands to choose from; and

WHEREAS, The reputation of the Auburn High School Marching Band was established by winning top honors in the Washington Open Marching Band Championship, and by placing third in both the Northwest Marching Band and the Pacific Coast Marching Band competitions; and

WHEREAS, The members of the band worked from April to December of 1984 at part-time jobs, car washes, paper drives and other fundraising events to raise the \$75,000 needed to make the trip; and

WHEREAS, The reception of the 150 member band by the crowds along the parade route showed their appreciation of the quality of the performance of the Auburn High School Marching Band;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the fine achievements of the Auburn High School Marching Band, and its director, Dean Immel; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Auburn High School Marching Band and its director, Dean Immel.

## SENATE RESOLUTION 1985-40

by Senators Kreidler, Halsan and Johnson

WHEREAS, The Washington State Academic Decathlon is a competition designed to foster academic growth; and

WHEREAS, The Academic Decathlon encourages high school students to develop a greater respect for knowledge; and

WHEREAS, Wholesome inter-school competition in academic areas is just as important to the students, teachers and community as athletic contests; and

WHEREAS, During the 1985 Academic Decathlon, some 300 high schools competed for 20 state contest berths; and

WHEREAS, From these schools, teams of six students of various scholastic levels competed for Olympic-type gold, silver and bronze medals in ten academic areas; and

WHEREAS, The Washington State Academic Decathlon finals were held at Capital High School in Olympia, Saturday, March 16, 1985; and

WHEREAS, The first and second place winners were teams from Thurston County, Timberline High School making a first place winning debut in the competition and Capital High School taking second place honors; and

WHEREAS, The Timberline High School team will represent the state of Washington at the National Academic Decathlon in Los Angeles this Spring;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, pay special tribute to the outstanding academic performance of the Timberline team; Coach Irene Clise and team members Terry Caffey, Sean O'Connor, Ken Petersen, Chris Ruef, BrynDel Swift and Lara Williams; and to the Capital team; Coach Tom Kelleher and team members Laurie Bare, Brian Bigelow, Tim Gulden, Michael Lopez, Eric Swisher and Andrew Winden; with special appreciation to the teams' fellow students, parents, teachers and community members for their support; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be instructed to forward copies of this resolution to each member of the teams, their coaches and school principals.

#### SENATE RESOLUTION 1985-65

by Senators Talmadge and Johnson

WHEREAS, The state of Washington continues to honor its veterans of the military services; and

WHEREAS, The Northwest Chapter of the Paralyzed Veterans of America is hosting the organization's national convention; and

WHEREAS, This organization endeavors to improve the lifestyle of all handicapped and disabled citizens of the state of Washington; and

WHEREAS, This organization seeks to educate and inform every Washingtonian about all aspects of handicapped life; and

WHEREAS, The Paralyzed Veterans of America from across the country and Puerto Rico, will be meeting in Washington State from July 29 through August 4, 1985;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Governor is requested to proclaim the week of July 29 through August 4, 1985, as "Washington Paralyzed Veterans Week"; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Governor Booth Gardner, and to the Northwest Chapter of the Paralyzed Veterans of America.

#### SENATE RESOLUTION 1985-69

by Senators Kreidler and Halsan

WHEREAS, The Olympia Host Lions Club was chartered in 1935 by thirty-four community spirited individuals for the purpose of providing help and comfort to the less fortunate; and

WHEREAS, During the past fifty years, the Olympia Host Lions Club has made numerous contributions to the community by providing funds for education, youth activities, senior citizens, neighborhood improvements and the handicapped of all ages; and

WHEREAS, The members of the Olympia Host Lions Club have donated thousands of hours of community service to assure an improved quality of life in the Olympia community and throughout the region; and

WHEREAS, The Olympia Host Lions Club has sponsored eleven other clubs in Southwest Washington, thereby, further spreading the Lions' ideals and community service to numerous other cities and towns;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the members of the Senate congratulate the Olympia Host Lions Club on the occasion of its 50th anniversary; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Olympia Host Lions Club.

## SENATE RESOLUTION 1985-70

by Senator Bottiger

WHEREAS, Washington's pioneering spirit lives within the communities in our state in which people care about our living and physical environment; and

WHEREAS, Washington is approaching its centennial and this gives us the occasion to pause and reflect on the many pioneers who helped lead communities, who taught us to care for our neighbors and to wisely use our natural resources; and

WHEREAS, Jonas Asplund, a true pioneer of Washington's Ohop Valley and southern Pierce County, helped build community spirit, worked within the community to help others, and fought for better understanding and use of our natural resources; and

WHEREAS, Jonas Asplund, a community leader, a committed family man, and a caring man passed away on May 10, 1984, but will long be remembered by his friends, acquaintances and family;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled at Olympia in the 49th Legislature, that we pause and give tribute to Jonas Asplund, whose pioneering spirit and caring for neighbors and community helped make Washington a better place for us all; and

BE IT FURTHER RESOLVED, That the Senate send its sincere condolences to the Asplund family.

## SENATE RESOLUTION 1985-82

by Senator Fleming

WHEREAS, The foresight and creativity of Councilman Sam Smith have pioneered organizations and established commissions and programs uniting people with a shared cause, commitment and interest such as the Northwest Conference of Black Public Officials and the Black Prisoners Assistance Coalition of Washington; and

WHEREAS, Sam Smith was the first black member of the Seattle City Council and one of the first black legislators in the Washington State Legislature, ensuring a link between the oppressed, the needy, the minority community and lawmakers; and

WHEREAS, The attentiveness and tenacity of Sam Smith makes him the optimal servant to his constituents, committed to tackling problems regardless of their magnitude and determined to demonstrate that no concern is too trivial if it affects the people he represents; and

WHEREAS, The spiritual and religious beliefs of Sam Smith have enabled the man to endure and withstand the injustice of discrimination and have given him the courage to stir and arouse his community and others to join him and the National Association for the Advancement of Colored People and the Seattle Urban League in their common struggle toward equality; and

WHEREAS, Sam Smith has been a deliverer of dreams to the Central Area Public Development Authority, a true brother and friend to the members of the Mount Zion Baptist Church, and a warm, caring and wise master to the young minds of the Mount Zion Sunday School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate shall issue this resolution in recognition of Sam Smith and the most human caring and concern he gives to the people who depend on his voice, his dedication and his spiritual strength; and

BE IT FURTHER RESOLVED, That the Washington State Senate share with him on the thirty-first day of July, hereby recognized as Sam Smith Day, the joy of being loved, appreciated and respected.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Sam Smith.

## SENATE RESOLUTION 1985-83

by Senators Fleming and Johnson

WHEREAS, The numerous responsibilities of being head coach of the Seattle Supersonics Basketball Team have not deterred Lenny Wilkens from being a creative and generous member of our community; and

WHEREAS, Because of Lenny Wilkens' childhood understanding of what it's like to go without and what it's like to have a dream, many of our youth in such organizations as the Big Brothers of Seattle-King County, and the Seattle Children's Home, receive scholarships to the Lenny Wilkens' Basketball Camp each year; and

WHEREAS, This unselfish and charitable individual has donated and directed fundraising efforts for those affected by sickle cell anemia, sudden infant death syndrome, and heart disease, and has served as a tremendous example to all of us that one can always make time for the projects one values; and

WHEREAS, The Odessa Brown Children's Clinic and the Special Olympics know they have a special friend in Lenny Wilkens and those people who contribute to the Lenny Wilkens' Roast and Golf Tournament, held for the benefit of the health and happiness of those participating in the clinic and the Special Olympics; and

WHEREAS, Because of Lenny Wilkens' longtime financial and spiritual support, the Odessa Brown Children's Clinic is a special clinic truly helping the medical needs of the poor and children of color;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issue this Resolution in recognition of Lenny Wilkens' devotion to the goals and ideals of our youth, the Special Olympics and the Odessa Brown Children's Clinic. and

BE IT FURTHER RESOLVED, That the Washington State Senate shares with him on the fifteenth anniversary of the Odessa Brown Clinic, a personal sense of pride and satisfaction that his continual support of the clinic, from the dream's conception, to the groundbreaking and to the latest medical project, has enabled the clinic's aspirations, and destination to provide the best medical care available for our less fortunate children; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Lenny Wilkens.

## SENATE RESOLUTION 1985-111

by Senator McManus

WHEREAS, Mark Hammond, an intermediate learning disability teacher at Cedar Valley Elementary School in the Edmonds School District, has been selected as Washington Teacher of the Year; and

WHEREAS, The Washington Education Association has honored Mark's work with children having learning disabilities such as autism; and

WHEREAS, Mark's program has been very successful and has involved a highly creative approach to learning and great dedication to student needs; and

WHEREAS, The Washington State Senate recognizes the need to encourage teacher excellence as exemplified by Mark's superior program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honor Mr. Mark Hammond for his courage to take on a difficult program, his ability to place others before self, and his acknowledged success.

## SENATE RESOLUTION 1985-112

by Senators Gaspard and Johnson

WHEREAS, Washingtonians have enjoyed the sport of college basketball as coached by Marv Harshman for over forty years; and

WHEREAS, Marv Harshman ably taught many young persons sportsmanship, scholarship and citizenship in his years at the University of Washington, Washington State University, and Pacific Lutheran University; and

WHEREAS, The Washington State Senate, in Senate Floor Resolution No. 1984-139, adopted on January 27, 1984, honored Marv Harshman for achieving over 600 wins, for his community work, and for his ability to work with young people and teach them athletics and self-respect; and

WHEREAS, Marv Harshman, before his retirement, was the winningest active coach with 642 victories in his career; and

WHEREAS, Marv Harshman has now retired from coaching and capped his distinguished career by leading the University of Washington Huskies to two consecutive PAC-10 championships as well as two consecutive appearances in the NCAA Championship Tournaments;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled at Olympia in the 1985 Regular Session of the 49th Legislature, honor Marv Harshman for his years of dedicated service to the citizens of Washington State and his patience in working with the many young charges on and off the court for over forty years; and

BE IT FURTHER RESOLVED, That the Honorable Sid Snyder, Secretary of the Senate, forward a copy of this resolution to Marv and Dorothy Harshman together with the fondest salute of the Washington State Senate - "Coach, thanks for a job well done."

#### SENATE RESOLUTION 1985-118

by Senators Bottiger, Rasmussen, Gaspard, Wojahn and Johnson

WHEREAS, The members of the Senate have learned with deep sorrow of the passing of our colleague, The Honorable A. A. "Doc" Adams; and

WHEREAS, Doc Adams served with distinction as a member of the House of Representatives from 1969 through 1980, and played a key role as chairman of the House Committee on Social and Health Services in the passing of landmark legislation in the area of health programs and services; and

WHEREAS, Under the leadership of Representative Adams, legislation was adopted establishing the Senior Citizens Services Act, the Natural Death Act, the Generic Drug Act, along with measures to assist the victims of domestic violence, to aid the handicapped and to license the health care professions; and

WHEREAS, Doc Adams was a leader in his profession of chiropractic medicine and brought his skills in public relations to his chosen field of activity, and before and after his service in the Legislature, he was recognized as one of the most respected members of the Third House in Olympia; and

WHEREAS, Above all, our colleague, Doc Adams, was a loving husband and father, a dedicated public servant, a person accomplished in his profession and a good and kind friend;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that our deepest sympathy be extended to our colleague's wife, Mildred, his daughter, Gloria Graham, and their families on his passing; and

BE IT FURTHER RESOLVED THAT, The Secretary of the Senate deliver a copy of this resolution to the members of Doc Adams' family.

#### SENATE RESOLUTION 1985-119

by Senators McManus, Metcalf and Johnson

WHEREAS, Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other to help others recover from alcoholism; and

WHEREAS, The twelve steps have helped countless thousands to recover from a seemingly hopeless state of mind and body; and

WHEREAS, To those now in its fold, Alcoholics Anonymous has made the difference between misery and sobriety, and often the difference between life and death. AA can, of course, mean just as much to uncounted alcoholics not yet reached; and

WHEREAS, No society of men and women ever had a more urgent need for continuous, effective and permanent unity. Alcoholics see that they must work together, else most of them will finally die alone; and

WHEREAS, The twelve traditions of Alcoholics Anonymous are, AA's believe, the best answer that experience has yet given to these ever urgent questions - how can AA best function? And how can AA best stay whole and survive? and

WHEREAS, Meetings of the fellowship can be found in each state of the Union, every Province of Canada, and in over 114 countries around the world; and

WHEREAS, The fellowship which started with two individuals, Bill W. and Dr. Bob, has grown to many millions; and

WHEREAS, Alcoholics Anonymous is self supporting through its own contributions and does not accept funds from outside sources; and

WHEREAS, The fellowship is based on principles rather than personalities;

NOW, THEREFORE, BE IT RESOLVED, That the 49th Session of the Washington State Senate declare Monday, June 10, 1985, as the day to "Keep It Simple," in celebration of fifty years of recovery, unity and service with the fellowship of Alcoholics Anonymous; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the courageous and positive people who belong to Alcoholics Anonymous, and that we, the Washington State Senate, congratulate them on the success of their program.

#### SENATE RESOLUTION 1985-120

by Senator Goltz

WHEREAS, Matt Stodola of Bellingham, Washington, is an outstanding athlete and wrestler; and

WHEREAS, The Japan Amateur Wrestling Federation has asked Matt Stodola to participate in the celebration of cultural exchange between Japan and the USA; and

WHEREAS, 1985 marks the 25th anniversary of the Japan Amateur Wrestling Federation's cultural exchange program between Japan and the USA;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that Matt Stodola is designated an honorary ambassador of good will from the people of Washington to the people of Japan; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington extends its congratulations to the Japan Amateur Wrestling Federation on the 25th anniversary of its cultural exchange program.

At 11:30 a.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 11:31 a.m. by President Cherberg.

There being no objection, the Senate resumed consideration of House Bill No. 1326 and the pending amendment on page 3 by Senators McCaslin, Lee and Cantu, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that House Bill No. 1326 is a very tightly drafted bill affecting one area of economic development.

"The President believes the amendment proposed by Senator McCaslin and others may change the scope and object of the bill in the strictest sense of that term. However, the President is convinced that such a tight ruling would set an extremely confining precedent with regard to future scope and object rulings and their effect on legislation and would adversely interfere with the legislative process and the decision making prerogatives of the members.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators McCaslin, Lee and Cantu was ruled in order. Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, in the event that the RCA/ Sharp venture does not prevail, would the narrowness of this bill preclude going after any other firm that may be interested in coming in down the road?"

Senator Bottiger: "Senator Deccio, my understanding is that there are five or six firms that have expressed an interest in coming to the state of Washington that would fit under the language of this bill and that all of them are being pursued. The one that is closest at hand to making a decision in which we are in competition with three other states is RCA, but the others are not being abandoned and I believe there is one firm that either has or is about to make a decision that would fall in that classification that would be in eastern Washington."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McCaslin, Lee and Cantu.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McCaslin failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 30; absent, 2.

Voting yea: Senators Benitz, Cantu, Craswell, Guess, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer - 17.

Voting nay: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 30.

Absent: Senators Bauer, Conner - 2.

#### MOTION

Senator Newhouse moved that the following amendments by Senators Newhouse and Lee be considered simultaneously and adopted:

On page 1, line 19, strike "1986" and insert "1987"

On page 4, line 22, strike "1986" and insert "1987" and strike "1987" and insert "1988"

The President declared the question before the Senate to be adoption of the amendments by Senators Newhouse and Lee.

The motion by Senator Newhouse failed and the amendments were not adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Peterson, Wojahn, McDermott demanded the previous question and the demand was not sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1326.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1326 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Metcalf, Pullen, Rinehart - 3.

Absent: Senators Bauer, Conner - 2.

HOUSE BILL NO. 1326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:23 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

#### MOTION

On motion of Senator Zimmerman, Senator Cantu was excused.

#### MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

## MOTION

Senator Bailey moved that the following resolution be adopted:

## SENATE RESOLUTION 1985-52

by Senators Bailey, Barr, Hansen, Saling, Johnson, Bauer, Gaspard, Hayner, Zimmerman, Newhouse, Patterson, Benitz, Sellar, McCaslin, Fleming, Cantu and Talmadge

WHEREAS, The state of Washington currently has 450 members of the National Holstein Association; and

WHEREAS, Holsteins are the source of a large proportion of the milk produced and consumed in the great state of Washington; and

WHEREAS, The milk and dairy products produced in Washington contribute significantly to the economy and health and well-being of all our citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature representing the citizens of the great state of Washington, shall recognize the Centennial Anniversary of the Holstein Association in 1985; and

BE IT FURTHER RESOLVED, That May 25, 1985, be proclaimed National Holstein Day in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Holstein-Friesian Association of America and to the Washington State Holstein Association.

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

The President declared the question before the Senate to be the roll call on adoption of Senate Resolution 1985-52.

## ROLL CALL

The Secretary called the roll and Senate Resolution 1985-52 was adopted by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, Conner - 2.

Excused: Senator Cantu - 1.

## MOTIONS

On motion of Senator Vognild, the Senate reverted to the seventh order of business.

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Third Substitute Senate Bill No. 3827, deferred June 10, 1985.

## THIRD READING

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3827, by Committee on Ways and Means (originally sponsored by Senators Kreidler, Talmadge, Bluechel, Moore, McManus, Stratton, Warnke, Bender, Fleming, Rasmussen, Williams, Vognild, Cantu, Saling, Granlund, Goltz, Kiskaddon, Gaspard, Johnson, Conner, Bailey, Lee, Garrett, von Reichbauer, Zimmerman and Bauer) (by Governor Gardner request)

Authorizing bonds for water pollution facilities.

## MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Third Substitute Senate Bill No. 3827 was returned to second reading and read the second time.

## MOTION

At 1:41 p.m., on motion, of Senator Bottiger, the Senate recessed until 2:00 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 2:10 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Third Substitute Senate Bill No. 3827.

#### MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Talmadge and Hansen be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The long-range health and environmental goals for the state of Washington must include the protection of the state's critical water bodies and supplies for the health, safety, and enjoyment of its people, and the economic use of water by providing water pollution control facilities and activities. The purpose of this chapter is to provide financial assistance to the state and local governments in the achievement of federal and state water pollution control requirements for the protection of the state's critical water resources. It is the policy of this state that the responsibility of paying for the costs of that portion of capacity of water pollution control facilities designed to deal with future growth is a local responsibility and that grants and loans made under this chapter shall not be used to finance such capacities.

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

(1) "Account" means the water quality account in the state treasury.

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

(3) "Eligible cost" means that portion of the cost of a water pollution control facility that can be financed in part by a grant or loan under this chapter. "Eligible cost" does not include any portion of a water pollution control facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control facilities existing at the time the application for a loan or grant under this chapter is submitted.

(4) "Public body" means the state of Washington or any agency, county, city, political subdivision, municipal corporation, or quasi-municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(5) "Water pollution control facility" means any facility owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, which are causing water quality degradation. "Water pollution control facility" may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose.

(6) "Water pollution control activity" means: (a) Actions to remove pollutants from or prevent pollution of critical water resources; (b) the development of plans to prevent pollution of water resources and to specify needs for water pollution control facilities and other water pollution control activities; (c) research into activities that prevent pollution of critical water resources; and (d) the development of plans and designs specific to particular water pollution control facilities.

**NEW SECTION.** Sec. 3. (1) Moneys deposited in the water quality account shall be administered by the department of ecology, subject to legislative appropriation. The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter, and for related administrative expenses.

(2) The department shall ensure that grants of funds available under this chapter do not constitute more than fifty percent of the total eligible cost of any water pollution control facilities and that any combination of grants, loans, and federal funds do not constitute more than seventy-five percent of the eligible cost of any water pollution control facility.

(3) The department shall ensure that grants or loans made to a public body for a water pollution control activity do not constitute more than fifty percent of the total cost of such activity.

(4) No more than two percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(5) Loans shall be for a term not to exceed ten years and shall bear interest at rates determined by the department in consultation with the state treasurer.

(6) The department shall present a progress report on the use of moneys from the account to the legislature no later than November 30th of each year.

(7) One-half of one percent of the total authorized by the legislature each biennium may be used by the department to provide funds to public bodies to prepare feasibility studies on joint development and other alternative methods of financing water pollution control facilities.

**NEW SECTION.** Sec. 4. The department shall distribute grants and loans over the period from the effective date of this act until December 31, 1995, in the following manner:

(1) Not more than fifty-three percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of Puget Sound, including Hood Canal;

(2) Not more than ten percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of the straits of Juan de Fuca, Georgia, and Rosario, and marine embayments immediately adjacent to these straits;

(3) Not more than three percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of other marine water in the state;

(4) Not more than eleven percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of freshwater lakes and rivers, including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(5) Not more than twenty percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of significant subterranean water bodies as designated by the department, including, but not limited to, sole source aquifers designated under the federal safe drinking water act, including but not limited to not more than fourteen percent for water pollution control facilities or activities that remove pollutants from or prevent the pollution of the Spokane Rathdrum Prairie aquifer; and

(6) Not more than seventeen percent for water pollution control facilities or activities as prescribed by the department.

These distribution percentages shall not restrict distributions in any single year. Not more than two and one-half percent of the total amounts of these moneys from the effective date of this act until December 31, 1995, may be transferred by the department to the state conservation commission for such purposes, of which one-half percent shall be used for research.

**NEW SECTION.** Sec. 5. When making grants or loans for water pollution control facilities, the department shall take into consideration the following:

(1) The protection of water quality and public health;

(2) The cost to household ratepayers if they had to finance the water pollution control facilities without state assistance;

(3) Regulatory actions established in federal and state compliance orders;

(4) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues around the state;

(5) Geographical distribution;

(6) The extent to which the recipient county or city, or if the recipient is another public body, the extent to which the county or city in which the recipient public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean body of water sought to be protected by the water pollution control facilities or activities that would be partially financed by the grant or loan; and

(7) The level of local fiscal effort by household ratepayers since 1972 in financing water pollution control facilities.

When allocating moneys in the account for water pollution control activities, the department shall take into consideration subsections (1), (3), (4), (5), (6), and (7) of this section.

Within two years after the Puget Sound water quality authority has made its recommendations on nonpoint pollution, no grant or loan, or distribution of grant or loan moneys, may be made to any public body located within a county from which nonpoint pollution enters Puget Sound unless the director of ecology finds that the Puget Sound water quality authority's recommendations on nonpoint pollution have been implemented by each public entity within the county, to the extent that the entity has the implementing authority.

**NEW SECTION.** Sec. 6. Any public body with ownership rights in a project authorized by this chapter may sell, lease, or otherwise transfer for value part or all of such ownership rights pursuant to the restrictions, covenants, and conditions described in this section.

The purchasers or lessees, their successors, and assignees shall be obligated to devote such real property only to the uses specified in such agreement and may be obligated to comply with such other requirements as the governing public body may determine to be in the public interest. Any agreement affecting such sale, lease, or other transfer of such property shall require that the property be leased back to the governing public body for operation by such body. Any instrument purporting to allow the sale, lease, or other transfer of such property by the governing body shall be in conformance with all restrictions, covenants, and agreements contained in bonds issued by such body which pledge to their payment properties of, or revenues from, the project.

**NEW SECTION.** Sec. 7. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit into the water quality account, hereby created in the state treasury, on a quarterly basis in each of the following fiscal years the following annual amounts:

Fiscal Year	Amount
1987	\$1,000,000
1988	\$20,000,000
1989	\$20,000,000
1990 and thereafter	\$50,000,000

Sec. 8. Section 4, chapter 159, Laws of 1980 and RCW 43.99F.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 (~~of the general fund~~) under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

At least ~~((one hundred fifty))~~ eighty-five million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for solid waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling. At least fifty million dollars of the unobligated proceeds of the bonds authorized by this chapter remaining as of June 30, 1985, shall be used exclusively for municipal water pollution control facilities and activities in this state. Proceeds from the sale of such bonds used for municipal water pollution control facilities and activities shall be deposited in the water quality account in the state treasury. Any remaining unobligated funds shall be available for the general purposes authorized by this chapter. Any wastewater funding allocation program under this chapter which is underway on the effective date of this 1985 act and which is proposed for implementation in 1985 by the department of ecology shall remain intact. Funds from this chapter shall be used to implement the program.

The department of ecology shall present a progress report of actual projects committed by the department to the senate committee on ways and means and the house of representatives committee on appropriations no later than November 30th of each year.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the department may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

**NEW SECTION, Sec. 9.** A new section is added to chapter 43.99E RCW to read as follows:

There is hereby set aside eighteen million dollars of unobligated proceeds provided in RCW 43.99E.025(2) as state matching funds for the Yakima river basin enhancement project and the expansion of the Columbia basin project. Such proceeds shall be used for the purpose of providing funds for capital improvements consisting of the planning, acquisition, construction, rehabilitation and improvement of agricultural water supply facilities as defined in this chapter. Such proceeds shall be available in advance of and in addition to any other bond proceeds authorized for such agricultural water supply facilities.

**NEW SECTION, Sec. 10.** As soon as practicable after the effective date of this act, the director of financial management shall establish and chair a study group to evaluate funding mechanisms for implementing a continuing state commitment to providing financial assistance for water pollution control facilities and activities.

Members of the study group shall include the director of ecology, two members of the senate, one from each caucus, appointed by the president of the senate, two members of the house of representatives, one from each caucus, appointed by the speaker of the house, and three individuals appointed by the director of financial management at least one of whom shall have expertise in the field of public finance. The office of financial management shall provide staff support for the study group.

The study group shall review and evaluate: (1) All funding mechanisms, including general fund appropriations; redirection, increase, or establishment of taxes and/or assessments obligated to a dedicated account; and other funding mechanisms. The funds derived shall be used by the state and by public bodies in a continuing cost-sharing program to finance water pollution control facilities and activities necessary to protect the state's water resources; and (2) state agency allocation and distribution procedures for capital improvement projects. A report of its findings and recommendations shall be submitted to the governor and the legislature no later than December 1, 1986.

**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. Sections 1 through 7 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. In reviewing the bill, I'm wondering if this is sixty percent required to pass, as I would read it, or a fifty percent? I wish you would rule on that. In looking at it, Section 8 deals with Referendum 39 and the redirection of 85 million dollars worth of that money. It redirects it in a number of ways on page 7, lines 1 through 13, and in Section 9; on page 7, we are directing Referendum 38 monies, 18 million dollars of which would be spent in a way that was different than the referendums that were passed by the people. It would be my opinion that it would be sixty percent. I ask for a ruling from the chair."

#### REPLY BY THE PRESIDENT

President Cherberg: "Senator McDonald and other members, Referendum 39, the President believes, was passed sometime in the mid 70's. The President believes the Senate is empowered by a majority vote to redirect existing funds authorized by a referendum two years after passage, or more. It would simply require a majority vote of the members elected."

#### MOTION

Senator Barr moved the following amendment to the amendment be adopted: On page 2 of the amendment, line 20, after "resources;," insert a new sub(b) as follows and reletter the following subsection accordingly:

"(b) the restoration of the water quality of fresh water lakes;"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr to the amendment.

The motion by Senator Barr carried and the amendment to the amendment was adopted.

#### MOTION

Senator Barr moved that the following amendment to the amendment be adopted:

On page 5, beginning on line 8, strike all material through "authority." on line 15.

Debate ensued.

Bluechel demanded a roll call and the demand was sustained.

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 25; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Melcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn - 25.

Absent: Senators Bauer, Conner, McCaslin - 3.

Excused: Senator Cantu - 1.

#### MOTION

Senator Saling moved the following amendments by Senators Saling, Bailey and McCaslin to the amendment be considered simultaneously and adopted:

On page 3, line 25, strike "Not more than fifty-three" and insert "Fifty"

On page 3, line 28, strike "Not more than ten" and insert "Five"

On page 3, line 32, strike "Not more than three" and insert "Two"  
 On page 3, line 35, strike "Not more than eleven" and insert "Ten"  
 On page 4, line 5, strike "Not more than twenty" and insert "Twenty"  
 On page 4, line 11, strike "Not more than seventeen" and insert "Thirteen"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Saling, Bailey and McCaslin to the amendment.

The motion by Senator Saling failed and the amendments to the amendment were not adopted on a rising vote.

#### MOTION

Senator Bluechel moved the following amendment to the amendment be adopted:

On page 8, line 1, delete Sec. 10.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel to the amendment.

The motion by Senator Bluechel failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler, Talmadge and Hansen, as amended.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Kreidler, on page 4, sub (5) of 4, that's a 77 word paragraph there and it doesn't even end in a period. It's not a sentence. I'm a little confused and I just want to ask you a question. The fourteen percent that you're talking about on line 8, that's fourteen percent of the total amount and not fourteen percent of the twenty percent?"

Senator Kreidler: "That's correct, Senator McCaslin."

Senator McCaslin: "Thank you, very much."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kreidler, Talmadge and Hansen, as amended.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler carried and the amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 21; absent, 2; excused, 1.

Voting yea: Senators Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goitz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senators Bauer, Conner - 2.

Excused: Senator Cantu - 1.

#### MOTION

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

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 43.99F.040; adding a new chapter to Title 43 RCW; adding a new section to chapter 43.99E RCW; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Reengrossed Third Substitute Senate Bill No. 3827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Third Substitute Senate Bill No. 3827.

## ROLL CALL

The Secretary called the roll on final passage of Reengrossed Third Substitute Senate Bill No. 3827 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 22; absent, 2; excused, 1.

Voting yea: Senators Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senators Bauer, Conner - 2.

Excused: Senator Cantu - 1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3827, having failed to receive the constitutional majority, was declared lost.

## MOTIONS

On motion of Senator Bottiger, the Senate returned to the sixth order of business.

On motion of Senator Bottiger, the Senate commenced consideration of House Bill 1328.

## SECOND READING

HOUSE BILL NO. 1328, by Representative Grimm

Authorizing the issuance of general obligation bonds for capital projects.

The bill was read the second time.

## MOTION

On motion of Senator Bottiger, the rules were suspended, House Bill No. 1328 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

At 3:25 p.m., on motion of Senator Vognild, the Senate recessed until 3:40 p.m.

## THIRD AFTERNOON SESSION

The Senate was called to order at 3:54 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of House Bill No. 1328, deferred earlier today.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1328.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1328 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 22; absent, 3; excused, 1.

Voting yea: Senators Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Goltz, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, von Reichbauer, Wojahn, Zimmerman - 22.

Absent: Senators Bauer, Conner, Rasmussen - 3.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1328, having failed to receive the constitutional 60% majority, was declared lost.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Goltz moved that the Senate immediately reconsider the vote by which House Bill 1328 failed to pass the Senate. Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry, Mr. President. Am I correct in assuming that Senator Goltz's motion is a suspension of the rules and requires a two-thirds vote?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President is going to let common sense prevail in this instance, Senator."

## MOTION

At 4:10 p.m., Senator Vognild declared the Senate to be at ease.  
The Senate was called to order at 4:51 p.m. by President Cherberg.

## MOTION

On motion of Senator Wojahn, the Senate advanced to the eighth order of business.

## MOTION

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

## SENATE RESOLUTION 1985-122

by Senators Wojahn, Moore, Deccio, Vognild, Goltz, Sellar and Johnson

WHEREAS, The Legislature recognizes that the citizens of the state of Washington face a growing crisis in acquiring affordable insurance coverage; and

WHEREAS, The unavailability of adequate and affordable insurance coverage poses a dramatic threat to life, property and the well-being of a prosperous and productive business climate; and

WHEREAS, There exists an immediate and pervasive need to address all aspects of insurance availability and that it is incumbent upon the Legislature to direct such a cooperative undertaking upon the behalf of all Washington citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Office of the Insurance Commissioner, in conjunction with the chairpersons and ranking minority members of the Financial Institutions and Insurance Committees of the Senate and House, shall conduct a joint study addressing the availability of affordable insurance for all segments of our society; and

BE IT FURTHER RESOLVED; That time is of the essence in carrying out the mandate of this resolution and that this committee shall report proposed legislation which specifically addresses the concerns expressed herein by December 30, 1985, to the Senate and to the House of Representatives.

There being no objection, the Senate resumed consideration of House Bill No. 1328 and the pending motion by Senator Goltz for reconsideration of the vote by which the bill failed to pass the Senate, deferred earlier.

The President declared the question before the Senate to be the motion by Senator Goltz to reconsider the vote by which House Bill No. 1328 failed to pass the Senate.

The motion by Senator Goltz carried and the Senate resumed discussion of House Bill No. 1328, on reconsideration.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1328, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1328, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Metcalf, Newhouse, Pullen - 5.

Absent: Senators Bauer, Conner - 2.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1328, on reconsideration, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### INTRODUCTION AND FIRST READING

SCR 122 by Senators Bottiger, Fleming, Hayner and Sellar.

Returning all bills to house of origin.

Hold.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 122 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 122 was advanced to third reading, the second reading considered the third and the resolution was adopted.

#### PERSONAL PRIVILEGE

Senator Lee: "Mr. President, a point of personal privilege. Ladies and gentlemen, I would like to make an announcement that persistence does indeed pay off. Within the last two or three weeks, the state of Washington, through the Interagency in Outdoor Recreation finally has a Washington state recreation guide that has all of the publicly-owned--at taxpayer paid recreation sites in one particular booklet. Before I was elected to the legislature in 1974 I thought, 'well gee, I don't know why the state doesn't have something like this--Idaho, Montana, neighboring states do.' At that point in time and up until this was published, you had to have at least a dozen pieces of publication for the same stretch of road to find out where the public parks were. In many cases, there were parks that were full and if you knew where there were a few more down the road you could find another one, but no one ever told you at the first place that there was something else because of the jealousy and the sovereignty between the different agencies and so it was my very first bill introduced as a freshman legislator to have a comprehensive recreation guide, but it has taken this long to finally get it to come about and we now have--believe it or not--six federal agencies and six state agencies who all cooperated information and it doesn't cost the taxpayers any money because this is a publication that is a for sale publication done with the cooperation between the private sector and the interagency committee.

"It contains everything from the Forest Service, the Bureau of Reclamation, Wild Life, Corps of Engineers, National Parks, Bureau of Land Management, Parks, Game, and the Utilities and Transportation Commission actually had recreational sites--if you didn't know it before--the Department of Natural Resources and the Department of Fisheries. These are for sale in most state agencies and I have some available in my office and it's one I think we can all be proud of. In fact it would make a good gift and something that is ready for the NCSL Convention that will be here in August. It costs \$3.00 plus 24 cents tax."

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

Senator McDermott moved that the following resolution be adopted:

#### SENATE RESOLUTION 1985-121

by Senators McDermott, Hayner, Lee, McDonald, Rasmussen and McCaslin

WHEREAS, The Washington State Lottery Commission was created by the State Legislature and its duties, responsibilities, and powers are defined by legislation; and

WHEREAS, Among the many activities engaged in by the Commission is the promotion of sales of lottery tickets; and

WHEREAS, The Commission has recently joined forces with a single business entity to the extent that this particular business exchanges a portion of its products to unsuccessful lottery participants in exchange for a designated number of losing lottery tickets; and

WHEREAS, The Legislature, and many state citizens seriously question the legal and ethical propriety of such an arrangement which lends the credibility of the state; and

WHEREAS, Such treatment of a particular enterprise raises serious and substantial questions of favoritism and, moreover, the mere appearance of a state agency lending its vast publicity potential, especially in an area such as gambling, to a particular company's business is a serious policy matter best left to the citizens's elected representatives working through the legislative process;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate forward a copy of this resolution to the appropriate officials of the Washington State Lottery Commission, request that it refrain from such activities as detailed herein, and urge the Commission to utilize the legislative process if it desires to enter into similar promotional activities.

Debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1985-121.

The motion by Senator McDermott carried and Senate Resolution 1985-121 was adopted.

#### MOTION

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

#### SENATE RESOLUTION 1985-123

by Senators Kreidler and Halsan

WHEREAS, The late Vibert D. Jeffers worked as a commercial photographer in Thurston County for almost fifty years; and

WHEREAS, Vibert and his father, Joseph Jeffers, were the official legislative portrait photographers from 1913 to 1971; and

WHEREAS, Their work has been on continuous display in the fourth floor corridors of the legislative building since 1913; and

WHEREAS, A large portion of Vibert Jeffers photographic endeavors documented the history of Washington State government; and

WHEREAS, Eleven of his photographs have been selected for publication in the 1985 Legislative Digest; and

WHEREAS, 1985 is the 80th anniversary of Vibert Jeffers' birth and the 10th anniversary of his death; and

WHEREAS, Vibert Jeffers contribution to the Legislature and Washington State history have never been officially recognized;

NOW, THEREFORE, BE IT RESOLVED, That the Senate take this time to honor the memory and contributions of Vibert D. Jeffers; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be transmitted to Vibert's brother Joseph and his widow, Elizabeth.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, Senate Bill No. 3651 and Senate Bill No. 3652 were referred to the Committee on Ways and Means.

On motion of Senator Vognild, Senate Bill No. 3679 was referred to the Committee on Rules.

On motion of Senator Vognild, Senate Floor Resolutions No. 124, 125, 126 and 127 were referred to the Committee on Rules.

#### MOTION

At 5:19 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:21 p.m. by President Cherberg.

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

## MESSAGES FROM THE HOUSE

June 11, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1326, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3942.

SUBSTITUTE SENATE BILL NO. 4196, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1326.

At 5:23 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 5:30 p.m. by President Cherberg.

## MESSAGES FROM THE HOUSE

June 11, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1328, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 10, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 122, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1328.

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

## MOTION

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

## SENATE RESOLUTION 1985-128

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1985-128, the President appointed Senators Goltz, Deccio and DeJarnatt to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

COMMITTEE FROM THE HOUSE NOTIFYING  
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Crane, Long and Bristow. The committee appeared before the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

The report was received and the committee returned to the House.

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

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 122.

REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING HOUSE OF ADJOURN-  
MENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Goltz, Deccio and DeJarnatt who were appointed under the provisions of Senate Resolution 1985-128. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

June 11, 1985

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 15, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 15 by Representatives J. King and Barrett

Notifying the governor that the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 15 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 15 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 15, the President appointed Senators Halsan, Metcalf and Owen from the Senate to join a like committee from the House to notify the Governor that the legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

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

MESSAGES FROM THE HOUSE

June 11, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 122, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

June 11, 1985

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 15, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 15.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Owen, Metcalf and Halsan who were appointed under the provisions of House Concurrent Resolution No. 15. The committee reported they joined with a like committee from the House and notified the Governor that the legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

On motion of Senator Vognild, the Senate Journal of the second day of the First Special Session of the Forty-ninth Legislature was approved.

MOTION

At 5:48 p.m., on motion of Senator Vognild, the 1985 First Special Session of the Forty-ninth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## **APPENDIX A**

**CORPORATION ACT REVISION COMMITTEE  
COMMENTARY TO SENATE BILL NO. 3580**

CORPORATION ACT REVISION COMMITTEE  
COMMENTARY TO SENATE BILL NO. 3580PREFACE

The following Commentary has been prepared by the Corporate Act Revision Committee ("Committee") of the Corporation, Business & Banking Section of the Washington State Bar Association in connection with their drafting of the amendments to RCW 23A as contained in Senate Bill 3580. The Commentary has been revised and supplemented with responses to specific questions directed to the Committee by members of the Legislature.

COMMENTARY TO SECTIONS 1, 3, 10, 11, 12, 13, 14, 16 AND 19  
(Amending RCW 23A.08.120 et al.)

The amendment made by section 1, along with sections 3, 10, 11, 12, 13, 14, 16 and 19 of S.B. 3580 removes numerous references in the title to a required par value for shares (or a required value statement for no par shares). As a result of the 1984 amendments to RCW title 23A, the only use for such required values under current law is to serve as the basis for incorporation (or qualification) and annual license fees paid by domestic and foreign corporation to the secretary of state. Sections 17, 18, 20, 21 and 22 of S.B. 3580 replace such a fee system with a flat fee system thus making any such requirements for statements of par value (or a required value statement for no par shares) unnecessary and irrelevant.

COMMENTARY TO SECTION 2  
(Replacement of existing RCW 23A.08.160--  
"Consideration for shares")

This section replaces existing RCW 23A.08.160 with Section 6.21 of the proposed Revised Model Business Corporation Act ("Revised Model Act"). RCW 23A.08.210 is also being revised to conform to these changes (section 4 of S.B. 3580). The major change from present Washington law is that this would permit shares to be issued for promissory notes and future services in addition to presently permitted forms of consideration.

The only change in section 2 of S.B. 3580 (the proposed revised RCW 23A.08.160) from Section 6.21 of the proposed Revised Model Act is the deletion of the words "received as of the time the shares are issued" from the end of the last sentence of subsection (3). This change eliminates possible ambiguities as to the date as of which consideration is determined.

This revised section eliminates the rule that certain kinds of property are ineligible to serve as consideration for shares. The caption of the section, "Issuance of Shares," reflects the

change in emphasis from imposing restrictions on the issuance of shares to establishing general principles for their issuance.

Subsection (2) permits the price for shares to be determined by the board of directors as a fixed price, as a minimum price, or as a price based upon a formula or other method for its determination. In making this determination, the board of directors will be governed by the standards of RCW 23A.08.343. The provision for a minimum price, a formula, or other method for determining the price is designed to give greater flexibility in issuing the shares in accordance with limitations set forth by the board, and to allow such variations in the price as may be necessary or appropriate to reflect changing market conditions. Formula pricing methods are frequently used in connection with the issuance of additional shares of a class for which an active trading market already exists, and in competitive bidding transactions like those used by many public utilities, where the exact price is fixed just before an offering after various regulatory clearances are secured.

Subsection (3) specifically validates contracts for future services (including promoters' services) and promissory notes as consideration for the present issue of shares. In the realities of commercial life, there is sometimes a need for the issuance of shares for this type of consideration. And, as a matter of simple business economics, contracts for future services, promissory notes, and intangible property have value that is as real as the value of tangible property or past services, the types of property that many older statutes permit as consideration for shares. Thus, only business judgment should determine what kind of property should be obtained for shares, and a determination in good faith by the directors to accept a specific kind of valuable property should be accepted and not circumscribed by artificial or arbitrary rules.

While accounting principles are not specified in the Model Business Corporation Act, the last sentence of subsection (3) requires the directors to value the consideration received by the corporation. In the case of contracts for future services or promissory notes, the directors must value them, making due discount for lack of security, uncertainty of payment, below-market rates of interest, or the discounted value of the future services or payment. The directors may also restrict the transfer of shares under subsection (6) until after the services are rendered or payments are made; the valuation of the consideration received may take into account the effect of these restrictions.

Subsection (4) states that shares issued after receipt of the consideration established by the board are fully paid, validly issued, and nonassessable. This provides the basic test for an attorney called upon to give an opinion as to the status of a

proposed issue of shares. But this test is not exclusive: shares that are issued improperly may be enforceable against the corporation under section 8-202 of the Uniform Commercial Code if they are acquired by a purchaser for value. Subsection (4) does not alter the effect of other laws and the Washington State Constitution which make the shares of certain corporations, such as banks and insurance companies, assessable.

Subsection (5) provides that a "good faith" decision by the board as to the value of the consideration received is conclusive as to questions whether the shares are validly issued, fully paid and non-assessable. "Good Faith" replaces the phrase "in the absence of fraud in the transaction" in the former RCW 23A.08.160 and more accurately describes the nature of the standard. This section does not affect potential liability of directors for failure to satisfy their duties under RCW 23A.08.343.

Subsection (6) permits the board to determine that shares issued for promissory notes or for contracts for future services should be placed in escrow or their transfer otherwise restricted until the services are performed or the notes are paid. These shares are viewed as validly issued and outstanding (and therefore fully paid and nonassessable), but may be cancelled in whole or in part if the services are not performed or the notes not paid. The board may also direct that distributions in respect of escrowed or restricted shares be credited against their purchase price; if the shares are thereafter cancelled, as described in the preceding sentence, the credited distributions may also be cancelled.

The issuance of some shares for cash and other shares for promissory notes, contracts for past or future services, or for tangible or intangible property opens the possibility of dilution of the interests of some shareholders. For example, persons acquiring shares for cash may be unfairly treated if optimistic values are placed on past or future services or property being contributed by other persons. The problem is particularly acute if the persons providing services, promissory notes, or property of debatable value are themselves connected with the promoters of the corporation or with its directors. Protection of shareholders against abuse of the power granted to the board to set the price and consideration for shares is provided by the requirement that the directors must act in "good faith."

COMMENTARY TO SECTION 4  
(Replacement of existing RCW 23A.08.210--  
"Liability for subscriptions")

Along with section 2 of S.B. 3580, this section replaces existing RCW 23A.08.210. Section 4 of S.B. 3580 adds the language Section 6.22 of the proposed Revised Model Act to RCW 23A.08. The

only change from Section 6.22 of the proposed Revised Model Act is a minor change in subsection (1) to make it consistent with other provisions.

With the elimination of the concepts of par value and watered stock, the sole obligation of a holder or subscriber for shares as set forth in subsection (1) is to pay the full subscription price or consideration established by the board of directors. The consideration established by the board may consist of promissory notes or contracts for future services, and, if the directors so decide, the delivery of the notes or contracts will constitute full payment for the shares. See the Commentary to Section 2 of S.B. 3580.

Subsection (2) recognizes the possibility that shares may be issued before they are fully paid for, or the full subscription price is paid, and provides that transferees of the shares are not liable for the unpaid part of the subscription price or consideration. The transferors, however, remain fully liable. The corporation may, of course prevent these transfers by placing in escrow, or otherwise restricting the transfer of, issued shares that have not been fully paid for under subsection (2)(6) of S.B. subsection 3580 and cancelling them if the unpaid balance is not paid.

#### COMMENTARY TO SECTION 5

(New section regarding "Conflict of interest transactions")

Historically, the scope of a director's or an officer's duty of loyalty to a corporation has been defined by judicial decision rather than by statute. State courts have developed and refined this duty based on increasing sophistication and experience with the corporate form, and the need to encourage honest decisions by directors and officers and to discourage direct or indirect devices by which directors or officers may benefit personally at shareholders' expense.

Nevertheless, a number of states have recently adopted statutes designed to provide participants with relatively certain legal consequences if specified steps are undertaken in connection with corporate transactions involving a director or an officer. The committee believes that such a statute will serve a useful purpose in Washington as counsel frequently have difficulty in rendering advice on common business transactions because of ambiguous or conflicting case-precedents. Most often such difficulty arises in transactions involving small corporations which can ill-afford either engaging in expensive litigation or foregoing the transaction.

Subsection (1) deals with the rules to be applied to transactions in which a director or an officer is directly or indirectly on one side of the transactions and the corporation is on the other. Subsection (1) rejects the common law view that such transactions are automatically voidable at the corporation's option and provides that a transaction that is fair is not voidable merely because a director or an officer is a party to it. Similarly, the fact that a director or an officer had a direct or indirect interest in a fair transactions with the corporation is not in itself grounds for imposing liability on such person. Subsection (1), however, does not mean that any such transaction may not be subject to attack on grounds other than conflict of interest, as, for example, where the transaction was not authorized by the appropriate corporate body.

The fairness of a transaction for purposes of the new section should be evaluated on the basis of the facts and circumstances as they were known or should have been known at the time the transaction was entered into. Generally, the terms of a conflict of interest transaction should normally be deemed "fair" if they were within the range that might have been entered into at arms-length by disinterested persons.

Subsection (2), when read with subsections (4) and (5), which define when the votes of directors or shares may be counted for such purposes, provides that the person asserting the validity of a conflict of interest transaction has the burden of proving the fairness of the transaction unless it was authorized, approved or ratified by a majority of disinterested directors or the vote of a majority of disinterested shares. It should be noted that even if such approval is obtained, the burden of proving fairness remains with the party asserting the validity of the transaction if the material facts of the transaction or the director's (or officer's) interest were not disclosed to the approving directors or shareholders. In every case, the burden of proving disclosure or knowledge of the material facts of the transaction and the director's or officer's interest rests on the party asserting validity of the transaction. The new section is thus consistent with the emphasis placed by the court in State ex rel. Hayes Oyster Co. v. Keyport Oyster Co., 64 Wn.2d 375 (1964) upon full disclosure in such transactions.

In the event that a conflict of interest transaction is authorized, approved or ratified, upon full disclosure, by disinterested directors in accordance with subsections (2) and (4), the party challenging such transaction bears the burden of proving that disinterested directors could not reasonably have believed the transaction to be fair to the corporation. In the event that a conflict of interest transaction is authorized, approved or ratified, upon full disclosure, by the vote of disinterested shares in accordance with subsections (2) and (5), the party

challenging such transaction bears the burden of proving such transaction constituted a waste of corporation assets.

The new section is applicable to "indirect" as well as direct conflicts; "indirect" is defined in subsection (3) to cover transactions between the corporation and an entity in which the director or officer has a material financial interest or is a general partner. Further, subsection (3) covers indirect conflicts where the director or officer is an officer, director, or trustee of another entity (but does not have a material financial interest in the transaction) and the transaction is of sufficient importance that it is or should be considered by the board of directors of the corporation. The purpose of this last clause is to permit normal business transactions between large business entities that may have a common director to go forward without concern about the technical rules relating to conflict about the technical rules relating to conflict of interest unless the transaction is of such importance that it is or should be considered by the board of directors or the director may be deemed to have a material financial interest in the transaction. Thus, the new section covers transactions between corporations with interlocking or common directors as well as the direct "interested director" transactions.

Subsections (4) and (5) provide special rules for determining whether the board of directors (or a committee thereof) or the shareholders have authorized, approved or ratified a conflict of interest transaction for purposes of subsection (2). Basically, these subsections require the transaction in question to be approved either by a majority of disinterested directors, or by a majority of votes cast by shareholders not interested in the transaction, in order to avoid placement of the burden of proving fairness on the party asserting the validity of the transaction.

Subsection (4) provides that if a conflict of interest transaction is to be considered by the board of directors or a committee of the board, only the votes of directors "who have no direct or indirect interest in the transaction" may be counted in determining whether to authorize, approve or ratify the transaction. A vote mistakenly cast by an interested director, however, does not affect the validity of the authorization, approval, or ratification by a committee or by the board of directors under the new section if it otherwise meets the requirements of this subsection. Thus, the new section overrules what appears to be the Washington position as to the effect of an interested director's having voted upon the transaction. Compare Sanders v. E-Z Park, Inc., 57 Wn.2d 474 (1960); Tefft v. Schaefer, 136 Wn. 302 (1925). The mere presence of the interested director at the meeting similarly does not affect the validity of the action by the disinterested directors. Because of the voting disqualification of interested directors, subsection (4) provides that a majority

of the disinterested directors on the committee or on the board of directors, as the case may be, constitute a quorum for purposes of authorizing, approving or ratifying a conflict of interest transaction.

The section does not attempt to define precisely when a director should be viewed as "interested" for purposes of participating in the decision to adopt, approve, or ratify a conflict of interest transaction. Subsection (3) does, however, define one aspect of this concept -- the "indirect" interest. For purposes of the section a director should normally be viewed as interested in a transaction if such person or the immediate members of such person's family have a financial interest in the transaction or an indirect business or financial relationship with the parties to the transaction such that the relationship might reasonably be expected to affect the director's judgment in the particular matter in a manner adverse to the corporation.

When a conflict of interest transaction is considered by the shareholders, subsection (5) applies a similar but somewhat more complex prohibition: votes by shares "owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction" and votes by shares "owned by or voted under the control of an entity described in subsection (3)(a)" -- that is an entity in which the director or officer has a material financial interest or is a general partner -- may not be counted in deciding whether the transaction was approved under subsection (2)(b). This prohibition is based on the belief that the same considerations that prevent votes cast by interested directors from being counted in favor of a conflict of interest transaction also compel the conclusion that votes cast by shares owned or controlled by a director or an officer, or by entities involved in the transaction in which they have a material financial interest, should also not be counted when the issue is the authorization, approval or ratification of a conflict of interest transaction. Proxies solicited by a director officer or entity described in subsection (3)(a) after disclosure of the material facts of the transaction and the director's or officer's interest are not considered to be shares voted under the control of such person and are entitled to be counted.

In some situations, the prohibition of subsection (5) will result in the conflict of interest issue being resolved by a majority of a minority of the shares. This will occur, for example, whenever a director who is the majority shareholder of the corporation is interested in a transaction. The vote on the conflict of interest issue under the new section, however, must be distinguished from the vote on the approval of the transaction itself under other sections of the Washington Business Corporation Act, in which there is no prohibition against the voting of shares owned or controlled by an interested director. For example, if a

parent corporation wishes to merge its 70% owned subsidiary into itself, and the majority shareholder of the parent is a director of the subsidiary, the votes of the shares owned by the parent corporation may not be counted under subsection (5) (since the shares are owned by an entity which is a party to the transaction and which the director controls). The shares nevertheless may be voted on the merger proposal itself under RCW 23A.20.030, and the merger will, of course, normally be approved solely by the vote of the shares owned by the parent corporation. On the other hand, if such a merger is effected, and less than a majority of the votes cast by the holders of the 30% of the shares not owned by the corporation approve, then the corporation will have the burden of proving fairness of the transaction in the event of challenge.

COMMENTARY TO SECTION 6

(New section regarding

"Certain interested shareholder transactions")

This section requires special approvals of certain transactions with interested shareholders. Specifically, transactions such as mergers, sales of substantially all of the assets and liquidations involving a person or group of affiliated persons who own 20% or more of the voting stock of a corporation must be approved either by disinterested directors or by two-thirds of the shares owned by disinterested shareholders exclusive of the votes of interested shareholders.

Section 6 does not apply to corporations with less than 300 shareholders (unless the corporation's articles of incorporation provide otherwise). For this purpose, the number of shareholders should be computed prior to any steps taken by an interested shareholder in furtherance of an interested shareholder transaction (including the steps by which a person becomes an interested shareholder), presumably limited by a twenty-four month cutoff. For example, in a tender offer, the number of shareholders would be computed prior to the commencement of the tender offer, and prior to any related earlier purchase. Approval by disinterested shareholders would not be required under Section 6 if the fair market value of the consideration paid for the shares in the second step is not less than the highest fair market value of the consideration paid by the interested shareholder in acquiring any shares during the prior twenty-four months. The fair market values of the considerations must be determined by a majority of disinterested directors. This determination might be supported by valuations by investment bankers or others. Such expert valuation may be necessary where the types of consideration involve securities without an active trading market. If the determination by the disinterested directors is unreasonable, the determination might be challenged in a judicial proceeding. The time value of money arising from the different acquisition dates of securities need not be taken into consideration in determining

the relative fair market values although the time value of money arising from payments in the future on particular securities may be taken into account.

This section is directed particularly at the abuses seen in two-tier or front-loaded tender offers. In these offers, the acquiring entity offers to buy less than all of the outstanding shares of a company at a specified price and states that it may in the future through merger, sale of assets or other corporate reorganization, cause the remaining minority shareholders to receive consideration in cash or securities worth less than the initial tender offer price. The concern of such two-tier pricing is the coercion or pressure that is created on shareholders to tender into the first step of the tender offer. The alternative of not accepting the tender offer is virtual assurance that, if the offer is successful, the shareholder will receive less in the second step. Given that pressure, there is no realistic means for shareholders to reject a two-tier bid, even where they believe the combined, or blended, first and second step price for the target is too low.

These two-tier offers have become popular during the last several years. In response, a number of companies are adoption amendments to their articles of incorporation which provide for special voting requirements. In addition, several states, including Pennsylvania and Maryland, have adopted statutes requiring special votes in these types of transactions.

Although the shares and votes of interested shareholders is not taken into account for purposes of the special votes required by this section, the shares and votes of interested shareholders would be taken into account for quorum and voting requirements under other sections of RCW 23A. Proxies solicited by an interested shareholder after disclosure of material facts of the transaction and the interest of the interested shareholder are not considered to be shares voted under the control of such person for purposes of subsections (2) and (3)(d) and are entitled to be counted. It should be noted that one effect of this section may be to require a shareholder vote where RCW 32A.20.050, involving the merger of a 95% owned subsidiary, would otherwise make a shareholder vote unnecessary.

The concept of interested shareholders includes a shareholder who is or controls a party to a proposed transaction, such as a shareholder who controls a shell corporation with which the corporation requesting approval of its shareholders will merger. Interested shareholders also include a shareholder who, directly or indirectly, receives the assets of a corporation upon liquidation, while the other shareholders simply receive cash, or who is or controls the transferee of substantially all of the assets of the corporation in a sale or exchange.

In addition, an interested shareholder does not include a person who is acting in good faith and not for the purpose of circumventing the section as an agent, bank, broker, nominee or trustee for one or more other persons, to the extent that such other person or persons are not interested shareholders. In other words, if a broker or trustee is acting on behalf of a large number of shareholders one of whom may be an interested shareholder, the shares voted by the broker on behalf of the shareholders who are not interested shareholders, will be counted as shares voted by disinterested shareholders.

## COMMENTARY TO SECTION 7

(Replacement of RCW 23A.08.390 "Quorum of directors")

Subsection (1) substantially restates existing RCW 23A.08.390. The amendment made to existing RCW 23A.08.390 by subsection (2) is necessary to coordinate the rules for determining the number of directors required for a quorum and for action with the provisions added to the title by sections 5 and 6 of S.B. 3580 relating to conflict of interest transactions. Both sets of rules in subsections (7)(2) were designed to resolve uncertainties existing in the current law regarding procedures necessary to authorize such transactions. The Committee believes that current common law regarding quorum and action standards in interested director transactions is consistent with subsection (2). As with the Commentary to section 5, the Committee believes this amendment will serve a useful purpose by removing any ambiguity and setting forth clear standards for quorum and action requirements in transactions where an officer or director has an interest. It should be noted that with respect to standards for review and burden of proof in such transactions, reference must be made to section 5 and the Commentary thereto.

## COMMENTARY TO SECTIONS 8 and 9

(Replacement of existing RCW 23A.08.440 "Loans";  
Revision of RCW 23A.08.450  
"Liability of Directors in Certain Cases")

Section 8 replaces existing RCW 23A.08.440 with proposed Section 8.32 of the proposed Revised Model Act. This amendment removes present limitations on loans to officers and loans secured by a corporation's shares and changes present restrictions on loans by the corporation to directors (including loans obtained by directors from third persons on the basis of the corporation's credit through a guarantee).

The basic test for validity of loans to directors under subsection (1) is that either (a) the particular loan is approved by a majority of the shareholders or by the board of directors after a specific finding that the loan benefits the corporation, or (b) the loan is pursuant to a general plan approved by the

board as being of benefit to the corporation. This type of plan will normally cover at least directors, officers, and high-level employees, and possibly lower-level employees as well. Examples of these plans are employee benefit plans, stock purchase plans and advanced for expenses reasonably anticipated to be incurred in the performance of the duties of the director, officer, or employee.

Subsection (2) makes clear that an irregular or improper loan is nevertheless legally enforceable by the corporation against the borrower.

Subsection (3) provides for an exception for loans by banks, savings and loans, and other lending institutions that are authorized by law to make loans to directors in the ordinary course of business. The protections provided by the statutes applicable to these entities render unnecessary the protections provided by this section.

Section 9 makes corresponding changes to RCW 23A.08.450 "Liability of Directors in Certain Cases" by removing references to loans to officers and by deleting a limiting reference to shareholder approval.

COMMENTARY TO SECTION 15  
(Amendment to RCW 23A.28.135--

"Reinstatement following expiration of corporate duration")

There are 790 pre-1933 corporations on the list of active corporations in this state. Of the 790, many may have previously extended their duration beyond the 50 years the law then allowed. Many other pre-1933 corporations, however, are functioning unaware that some question may exist as to their status.

In 1933 the Business Corporations Act was amended to permit corporations to have perpetual duration. Thereafter, however, unaware of the change in the law, an unknown number of newly formed corporations continued to elect durations of 50 years or less.

This amendment to RCW 23A.28.135(1) would provide a window period during which by amendment of articles of incorporation corporations can resolve any question as to their period of duration, even though the present statute's two year grace period may have expired. After the expiration of the window period, on December 31, 1985, the law reverts back to its present state with the two year grace period providing the only opportunity to elect perpetual duration by any corporation whose more limited duration has expired.

COMMENTARY TO SECTIONS 17, 18, 20, 21 AND 22  
(Amendments modifying fee structure)

The Commentary to Section 1 notes that Sections 1, 3, 10, 11, 12, 13, 14, 16 and 19 remove numerous references to a required par value for shares (or a required value statement for no par shares). As a result of the 1984 amendments to RCW title 23A, the only use for such required values under the current law is to serve as the basis for incorporation (or qualification) and annual license fees paid by domestic and foreign corporations to the secretary of state. Such fees are graduated depending on the amount of authorized capital stock, despite the fact that services provided by the secretary of state in connection with initial or continuing qualifications are similar for all corporations. Calculation of the fees in any case other than minimal capitalization is a difficult, time-consuming activity, both for practitioners and the secretary of state's office. It was the view of the Committee that significant benefits would result from the adoption of a flat fee to be paid by any size of corporation for incorporation or qualification (\$175) or for annual license (\$50). The Committee was informed that such amounts will produce essentially the same amount of revenue as the previous, inordinately complex system and will substantially reduce the processing burden on the secretary of state's office and the filing corporations.



**GOVERNOR'S MESSAGES ON SENATE BILLS  
VETOED AND PARTIALLY VETOED**

1985 REGULAR SESSION  
FIRST SPECIAL SESSION

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 5, Substitute Senate Bill No. 3007, entitled:

"AN ACT Relating to motor vehicles;"

Section 5 provides that the value of a motor vehicle for the purpose of paying a use tax will be determined by a bill of sale signed by both parties. Such a proviso would require the acceptance of an unverified document as proof of sales price.

It is my belief that this is an improper way to administer the laws relating to tax collection on vehicles. The Departments of Revenue and Licensing have indicated that they will administratively provide instructions to Licensing's agents to insure the best collection method for use tax on motor vehicles.

With the exception of Section 5, which I have vetoed, Substitute Senate Bill No. 3007 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Engrossed Senate Bill No. 3067, entitled:

"AN ACT Relating to aquatic farming."

Section 6 would create an aquaculture advisory council appointed by the Governor. I wholeheartedly support the purpose of the council, which will bring together private interests with the state agencies responsible for aquaculture promotion and regulation. This cooperation is essential to a successful program. However, the council should more appropriately be appointed by and report to the Director of the Department of Agriculture, who has the prime responsibility for promotion under the Act. The Director has authority under existing statute to appoint such an advisory body. The Director should consult the Departments of Fisheries and Natural Resources in making appointments.

Section 8(7) would provide treble damages in civil actions by aquatic farmers in cases where Department of Fisheries' orders for the destruction of aquatic products are held to be unreasonable. Treble damages against the state are without precedent and are, I believe, excessive and unnecessary. However, removing this provision in no way suggests that the Department should not be accountable for its actions. When the Department has committed an unreasonable act, the courts should continue, as under current law, to award actual and consequential damages.

Section 26(2) would require the Department of Fisheries to survey the boundaries of the state's Puget Sound oyster reserves, assess their ability to support aquaculture, and report to the legislature regarding their optimum use. The Department of Fisheries reports that the surveys required by this subsection would cost more than \$500,000, for which no funding has been provided. In recognition of the need to enhance Puget Sound oyster reserves, I have signed into law Substitute Senate Bill No. 4041. This requires that Fisheries categorize the reserves according to their best uses. It further requires that Fisheries undertake a pilot Olympia oyster cultivation project.

With the exception of Sections 6, 8(7) and 26(2), which I have vetoed, Engrossed Senate Bill No. 3067 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3069, entitled:

"AN ACT Relating to professional service corporations;"

Section 1 of Substitute Senate Bill No. 3069 permits non-profit corporations practicing in one of the professions otherwise regulated by Title 18 of the Revised Code of Washington to employ individuals or groups incorporated under Title 18. This provision is unnecessary to the central purpose of this measure which is to permit organizations currently organized under Title 18 to organize under the non-profit corporation provisions of Title 24.

The inclusion of this provision raises significant questions about the relationships of for-profit enterprise with non-profit corporations. There is no current bar to a non-profit corporation contracting with a Title 18 professional services corporation as long as an arms length relationship is maintained. Section 1 of Substitute Senate Bill No. 3069 is therefore unnecessary unless some change in existing policy is intended. I believe that any provision which implies less stringent standards than those in the current law governing the relationship of non-profit entities to for-profit enterprise is unwise. I have therefore vetoed Section 1.

With the exception of Section 1, which I have vetoed, Substitute Senate Bill No. 3069 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

April 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3090, entitled:

"AN ACT Relating to defense of persons."

The legislature in trying to strengthen the self-defense statute appears to have significantly broadened the areas of coverage. The current statute protects citizens who defend themselves or aid others in defense of heinous crimes from the added burden of paying legal fees when they are charged with criminal conduct. When the citizen's actions are found to be justified, the state will pay the legal costs. The current statute is a positive approach by state government to help its citizens.

However, Substitute Senate Bill No. 3090 includes an exemption for civil liability, as well as criminal, and could be construed to require the state to pay legal fees, loss-wages, and all expenses in civil cases. Normally, the losing party in a civil suit pays at least the court costs of the prevailing party. It would not be appropriate to expand the use of state funds to pay legal fees, loss-wages and other expenses in civil cases where the state is not a party to the litigation.

The bill also greatly expands the offense categories which are covered under self-defense actions. The United States Supreme Court recently handed down a decision concerning the use of force by law enforcement to stop a fleeing criminal. The Court ruled that the crime committed should be considered a "dangerous felony" for the police to shoot the criminal. The offense categories in this bill are expanded beyond what could be considered a dangerous felony and should be the subject of further review before changes are made, including a review of the state law on use of deadly force.

The bill would also expand coverage for legal fees to include law enforcement officers who are required to defend themselves in a coroner's inquest or other

similar proceeding. According to RCW 30.24.020, coroner's inquests are a local decision and proceeding with cost borne at the local level. It would seem reasonable that additional costs for law enforcement officers are also clearly a local responsibility, which should not be transferred to the state.

For the above reasons, I have vetoed Substitute Senate Bill No. 3090.

Respectfully submitted,  
BOOTH GARDNER

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to three portions of Substitute Senate Bill No. 3184, entitled:

"AN ACT Relating to state-owned housing."

This bill would establish that no rent could be charged to state employees who are required to live in state-owned or leased living facilities as a condition of their employment. I have been advised this portion of the bill is mandated by a existing court order and the old rent structure varied from zero to \$100 per month. I have left this portion of the bill intact, but noting the free rent may count as income for retirement and other tax purposes.

However, Section 3(1) in part, requires that housing be made available rent free to employees who work at the site but are not required to live there. These employees should pay rent since it is their option to live at the facilities. I have left intact the portion of the bill which allows employees the first option and non-employees the second option to occupy the housing if the agency chooses to rent the facility for its fair market rental value.

I have also vetoed Sections 3(2) and 3(3) which limited to \$78 per month or less, the discretion of the state to charge employees the actual cost of utilities and placed the rent determination at the agency level rather than at a centralized level as it had been in the past.

In all these situations, the state is acting as a landlord and should fulfill its obligations beyond just maintaining the facilities in a safe and healthful condition. The facilities should also be made reasonably energy efficient given their age and design and given regular maintenance. I feel requiring these measures makes more business sense than setting an arbitrary average maximum rate and house size on utility rates by statute. Other legislation passed this session takes a major step in requiring energy standards for new housing. I feel the state also should work to make all of its buildings as energy efficient as financially practical.

The Department of Personnel, General Administration and effected agencies will be asked to work together to resolve the above issues reference rental rates and improving the energy efficiency and maintenance of housing involved. If necessary, I will ask the Department of Personnel and General Administration to adopt regulations or draft an Executive Order to implement a uniform progressive policy in this area.

With the exceptions of Sections 3(1) in part, 3(2) and 3(3), Substitute Senate Bill No. 3184 is approved.

Respectfully submitted,  
BOOTH GARDNER, Gardner

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3249, entitled:

"AN ACT Relating to group life insurance;"

This bill would have established a separate statute governing group life insurance policies for members of an association composed of Washington National

Guard members. The original intent for the bill was to allow the proceeds of members' group life insurance coverage to endow a scholarship fund. However, the final bill goes much further than that and contains provisions that should not be in statute.

I would be happy to consider legislation that would properly accomplish the original intent of this bill. In the meantime, I am pleased that an existing group policy is providing for the personal needs of Association members.

For the above reasons, I have vetoed Substitute Senate Bill No. 3249.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to four sections Engrossed Substitute Senate Bill No. 3261, entitled:

"AN ACT Relating to building codes;"

This Act would establish the State Building Code Council. The Council would be responsible for the administration of the State Building Code. Counties, cities and towns would have the responsibility for its strict enforcement.

Substitute House Bill No. 1114, which I have signed, would also amend the State Building Code to provide a process and guidelines for the establishment and maintenance of up to date energy building codes.

I agree with the purpose of both bills. However, there are four double amendments that must be corrected.

Section 7 of Engrossed Substitute Senate Bill No. 3261 would conflict with the language of Section 1 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 7 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion among the users of the State Energy Code.

Section 12 of Engrossed Substitute Senate Bill No. 3261 would make a minor amendment to a section of the State Building Code and makes reference to an obsolete federal code. Section 2 of Substitute House Bill No. 1114 extensively amends the same section of the State Building Code. Therefore, I have vetoed Section 12 of Engrossed Substitute Senate Bill No. 3261 as no longer being required.

Section 14 of Engrossed Substitute Senate Bill No. 3261 amends an obsolete provision of the State Building Code that would be repealed by Section 5 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 14 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion.

Section 18 of Engrossed Substitute Senate Bill No. 3261 recodifies several obsolete sections of the State Building Code. Section 5 of Substitute House Bill No. 1114 repeals the same sections. Therefore, I have vetoed Section 18 of Engrossed Substitute Senate Bill No. 3261 as the recodification will not be necessary.

With the exceptions of Section 7, 12, 14, and 18, which are vetoed, Engrossed Substitute Senate Bill No. 3261 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 3282, entitled:

"AN ACT Relating to historic preservation;"

I support the intent of Engrossed Senate Bill No. 3282 which would require the Director of General Administration to assert a preference for historic properties when the state has a requirement to purchase, lease or rent space for state agency purposes. This preference is to be asserted when it would be feasible and prudent compared with available alternatives.

Nevertheless, I am vetoing Engrossed Senate Bill No. 3282 because it would impose a costly procedure on the State Historic Preservation Officer (SHPO) to prepare a detailed list of qualifying properties in each instance that the Department of General Administration has a space requirement to fill. The SHPO does not currently maintain the type of information about historic properties which is mandated by Engrossed Senate Bill No. 3282, and this legislation does not provide an appropriation.

While I am vetoing Engrossed Senate Bill No. 3282, I will establish by executive order a procedure for building and maintaining an inventory of suitable historic properties and a policy that establishes a preference for the state to use historic properties under certain circumstances.

For these reasons I have vetoed Engrossed Senate Bill No. 3282.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

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

I am returning herewith, without approval as to certain sections, Substitute Senate Bill No. 3333, entitled:

"AN ACT Relating to motorcycle franchises."

This bill would establish a very detailed regulatory system for the business relationship between manufacturers and the dealers of motorcycles, all terrain vehicles, snowmobiles, and any motor vehicle weighing less than 1,500 pounds. The activities of both the manufacturer and dealer would continue to be regulated under RCW 46.70. The bill is held by its proponents as being necessary to end certain practices on the part of motorcycle manufacturers.

I believe that motorcycle manufacturers have been, at times, heavy-handed in their relationships with dealers. Nonetheless, government should be extremely careful about substituting statutory regulation for matters normally decided between the parties of a commercial transaction.

In general, government should not interfere with business transactions except to protect the consuming public from dangerous, anti-competitive, or fraudulent activities. The alleged actions leading to the measure at hand do not directly affect the consuming public but rather the practices of one business with respect to another. It appears that many of these practices result from vigorous competition within the motorcycle industry.

Some of the provisions of Engrossed Substitute Senate Bill No. 3333 are reasonable standards for any business transaction. Other provisions place unreasonable restrictions on the ability of one party to engage in normal business activity. Others are clearly anti-competitive and would deny the public the benefits of a full, competitive market. For example, entry of new dealers in major urban markets would be virtually prohibited by this bill due to language giving dealers a ten mile radius marketing area. It also restricts warranty work to dealerships and prohibits manufacturers from owning or operating dealerships. All of these provisions, and others like them, restrict competition and would lead to higher prices for the consumers.

The bill also prohibits a manufacturer from reducing a dealer's allocations of motorcycles for poor sales performances, from denying a transfer or succession of dealership to another person except under extremely restricted conditions, and from initiating certain sales promotions which require dealer participation.

In summary, the bill places extraordinary restrictions on one type of business entity for the benefit of another. The public does not benefit from these restrictions and may, in fact, be adversely affected by reduced competition, higher prices and poor service.

The bill also would require manufacturers to purchase back all of a dealer's new or prior year "new" motorcycle inventory which had not been driven over fifty miles, all new, used and rebuilt parts, etc., at a price not less than current prices

charged. This section would apply even where the dealer voluntarily chose to go out of business. This language puts the business risk almost totally on the manufacturer.

While this bill contains many provisions such as those described above which are not in the interests of the public, there are also desirable provisions which provide reasonable standards for any business relationship. To preserve these positive provisions, I have decided to approve this measure with the exception of a number of sections.

In making these vetoes, I have attempted to establish a balance between the interest of the dealers, manufacturers and the consumers. The consumer is best served by leaving room for competition between dealers and bargaining power on both sides between dealers and manufacturers in establishing franchise agreements.

For the above reasons, I have vetoed the following Sections: 3(2) in part, 3(8) in part, 3(16), 4(1)(a) in part, 4(1)(b), 4(1)(c), 4(1)(g), 4(7), 4(11), 4(17), 4(18), 4(20), 4(21), 4(22), 4(24), 5(4), 5(5), 6, 7, 8(1) in part, 8(2) in part, 10 in part, 11 and 12.

With the exception of the above vetoes, Substitute Senate Bill No. 3333 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354, entitled:

"AN ACT Relating to the medical aid fund;"

These sections of the bill would require expenditures from the Medical Aid Fund to be subject to appropriation. While this has been a very troubled program in the past, I have appointed new management which is actively undertaking management improvements. The need for control of health care costs is to run the workers' compensation program like the insurance business that it is. To do this, management needs the flexibility to adequately direct the program. For these reasons, I have vetoed Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7.

With the exception of Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3367:

"AN ACT Relating to the public disclosure law."

Section 1 amends the definition of "election campaign." While there may need to be more clarity in this definition, I do not believe the proposed change is appropriate. Under the proposed new definitions an "election campaign" would begin when the initial campaign committee organization form is filed. It would not end until a final report showing a \$0 balance in the campaign fund is filed. In my opinion, this would mean an unacceptably long "election campaign" since most campaign committees do not file final reports after each November election.

With the exception of Section 1, Substitute Senate Bill No. 3367 is approved.

Respectfully submitted,  
BOOTH GARDNER, Gardner

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 3376, entitled:

"AN ACT Relating to governance in higher education."

Senate Bill 3630 transfers the High Technology Coordinating Board's administrative support responsibility from the existing Council for Postsecondary Education to the Department of Commerce and Economic Development. Engrossed Substitute Senate Bill No. 3376 replaces CPE with a new Higher Education Coordinating Board and changes existing statutes accordingly. Therefore, Section 3 of Senate Bill No. 3630 and Section 88 of Engrossed Substitute Senate Bill No. 3376 are in conflict as they relate to staff for the High Technology Coordinating Board. To carry out legislative intent, I, therefore, have vetoed Section 88 of Engrossed Substitute Senate Bill No. 3376.

With the exception of Section 88, Engrossed Substitute Senate Bill No. 3376 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval of two portions of Substitute Senate Bill No. 3384, entitled:

"AN ACT Relating to salmon enhancement."

The first two sentences of Section 8(1)(c) would require all facilities funded by the Salmon Enhancement Account to operate at full production capacity or be made available for volunteer cooperative projects to produce salmon for stocking state waters. This provision is apparently based on the idea that any hatchery not operated at full capacity is surplus. This is not the case. There are many good reasons for operating at less than full capacity, including disease control, water quantity and quality, and compliance with federal court orders.

The remainder of Section 8(1)(c) requires that the Salmon Advisory Council evaluate the operation of certain salmon hatcheries and report to the Legislature. I will request that the Council comply with this language.

Section 9 contains similar language relating to the Game Department. I am vetoing it for the same reasons.

With the exception of Sections 8(1)(c) and 9, Substitute Senate Bill No. 3384 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Engrossed Senate Bill No. 3400, entitled:

"AN ACT Relating to the exploration and extraction of nonrenewable resources."

Section 5 of this bill would change the fees for surface mining permits. The current fee structure was instituted only a year ago and has been very positively received. In addition, the change proposed in this section would result in the need for a higher general fund subsidy of this activity in a time of severe revenue

shortfalls. I believe that the current fee structure should receive a longer trial and a thorough evaluation before we consider changing it again.

With the exception of Section 5, Engrossed Senate Bill No. 3400 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections, Senate Bill No. 3569, entitled:

"AN ACT Relating to risk management."

Sections 6 and 7 of this bill would require claims against the state for damages arising out of tortious conduct to be filed with the Risk Management Office in addition to the currently required filing with the Office of Financial Management. This dual claim filing could be unnecessarily burdensome and confusing to the public. However, notice to the Risk Management Office is necessary to the improvement of our risk management program, which I support.

Therefore, I have directed the Office of Financial Management to provide the Risk Management Office with a copy of all filings. This will accomplish the purpose of these sections at no inconvenience to the public. State government should avoid requiring duplicate filings by the public when possible.

With the exceptions of Sections 6 and 7, Senate Bill No. 3569 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections Engrossed Senate Bill 3612 entitled:

"AN ACT Relating to excess school levies;"

The primary purpose of Engrossed Senate Bill 3612 is to extend the levels of local school support levy options for three years. Section 2 of that legislation also establishes a legislative committee to undertake a review of the means to adequately fund the state's basic education responsibilities.

I support both the need for such a study and the issues identified within Section 2. However, I believe that there are additional far-reaching issues that must also be considered. These issues include state and local revenues; the relationship of educational funding to other state responsibilities; and structured relationships between the state and local schools which result from state funding.

For this reason I am vetoing Section 2. In lieu of allowing that section to become law, I will, by executive order, establish a broadly based study committee including legislators, educators and interested citizens.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. The emergency clause section is not necessary in order to continue the administrative provisions for the collection of the levels of school levies that would be based upon this legislation. The 1985 levies have already been certified. The 1986 levies are to be certified in October, well after the normal effective date of this legislation.

The emergency clause should be restricted to those instances where its use is clearly warranted due to the urgency of the situation. For these reasons I have vetoed Section 4.

With the exception of Sections 2 and 4, which I have vetoed, the remainder of Engrossed Senate Bill No. 3612 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

June 27, 1985

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

I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 3656, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985 and ending June 30, 1987."

Section 1, Subsection (3), Page 2, Biennial budget.

The effect of this section is to place an absolute prohibition on transferring appropriations between fiscal years 1986 and 1987. Based on the language of Subsection (4) of this section, I do not believe the Legislature intended this absolute prohibition and the consequent restrictions on management actions. In removing this language, I do not intend to transfer appropriations between programs. Rather, I want to ensure the ability to allot monies as needed over the entire biennium. I have therefore vetoed this section.

As further explanation of my veto of Subsection (3), I am offering the following comment on the language in Subsection (5) which states the Legislature's intent that the dollars appropriated are to sustain state government through the biennium without any supplemental appropriations. I endorse this statement and will manage within the scope of this policy. However, if the assumptions underlying the appropriations in this document as to enrollments, caseloads, prison population, and other critical factors vary significantly, it could result in a supplemental budget request.

Section 2, Page 2, OFM review of publications.

This section prohibits production or publication of any magazine or brochure unless it has been expressly authorized by the director of Financial Management. I believe agency directors and elected officials should be responsible for the content of their publications and whether or not to publish them. I also believe that sufficient oversight authority already exists under RCW 40.07. However, we will advise agencies of the Legislature's concern. Agencies will be required to review their policies on publications and expected to use restraint.

Section 119, The Proviso, Page 7, Excess appropriations by OFM for State Auditor.

I have vetoed the proviso to this section which places certain conditions and limitations upon the director of Financial Management in relationship to the State Auditor. RCW 43.09.418 currently allows the director of the office of Financial Management the discretion to approve payments to the State Auditor in excess of the legislative appropriation in cases of necessity. This proviso in the budget would require OFM to approve any additional payments as determined by the State Auditor. This language appears to limit the discretion of OFM rather than broaden it.

Section 121, Subsection (4) in part, Page 8, DWI grants.

I have vetoed the following sentence from Subsection (4) of Section 121: "No city or county is eligible for grants under this subsection unless the city or county has levied or proposed all optional excise taxes authorized by the Legislature." This language appears to disqualify most, if not all, of the fifty jurisdictions presently receiving grants. Few have "levied or proposed all optional excise taxes" which probably means the half-cent sales tax, the quarter percent real estate excise tax, the gambling excise taxes, and other miscellaneous excise taxes.

However, the message from the Legislature to cities and counties is clear - don't ask for more money until you have exhausted or tried to exhaust all avenues to raise local taxes for funding this activity. The funds provided in this budget are to

allow local governments time to assume full responsibility for support of this program.

Section 214, Subparagraph (2), Page 36, Work Incentive Demonstration Project

The Work Incentive Demonstration Project (WIN Demo) is a federal program which would require the consolidation of WIN Work Programs under DSHS administration. At the current time, responsibility for the program is divided between DSHS and the Employment Security Department. Implementation of WIN Demo would result in a reduction of federal funds. It is possible, however, that this reduction would be offset by operating efficiencies.

I am vetoing the requirement that a WIN Demo application be submitted to the federal Department of Health and Human Services. I have the matter of WIN Demo and other means to increase the effectiveness of these programs under consideration. My intention is to initiate program changes in this area within the near future.

Section 214, Subparagraphs (3) and (4), Page 36 and 37, Community Work Training Programs.

I am vetoing the sections requiring increases in these programs because no money was appropriated for the staff needed to carry them out.

Section 311, Subsection (2), Page 55, Plans for Salmon fishery management.

I have vetoed Subsection (2) of Section 311 because Subsections (1) and (2) appear redundant in part. I have chosen to retain Subsection (1), which appears to more accurately conform with the description of the activities intended for these funds.

Section 601, Subsection (3) in part, Page 75 and Section 602, Subparagraph (4), Page 77, Community College intercollegiate sports.

I have vetoed the first sentence of Subsection (3) of Section 601 and Subsection (4) of Section 602 which would have placed a \$648,000 maximum on what could have been spent for intercollegiate sports purposes by the State Board for Community College Education. This amount was based upon inaccurate data provided to the Legislature. While I do not condone providing less than accurate figures, either through oversight, inadvertence or neglect, it would be inappropriate to create unintended consequences by imposing the extent of this reduction. I have left intact the portion of Subsection (3) which expresses the Legislature's intent for intercollegiate sports becoming self-supporting to the greatest extent feasible by June 30, 1989. The Board has agreed to restrict spending to 90 percent of the actual current funding level for this activity, which is consistent with the approach for most four year institutions.

Section 603, Subsection (4) in part, Page 78 and Section 604, Subsection (5) in part, Page 80, University of Washington and Washington State University faculty salary increases.

I have vetoed the language "other than normal increments" from the first sentence in Subsection (4) of Section 603 and Subsection (5) of Section 604. I have done so because this language appears to have been included inadvertently and only serves to confuse the meaning of this section. The University of Washington and Washington State University do not have "normal increments" for faculty salaries. The vetoed language is standard in salary provisions in a number of other areas of state government where normal increments do occur.

Section 604, Subsection (6), Page 80, W.S.U. Southwest Joint Center for Education.

I have vetoed this section which places a maximum of \$7,500 per academic year for full-time equivalent enrollment average for the biennium to be spent at the Southwest Joint Center for Education for Washington State University. The Southwest Joint Center is intended to provide students in Southwest Washington access to first rate scientific and technical instruction provided by Washington State University. This is a worthwhile objective, but the current costs of this program are more than four times higher on a per student basis than any other similar program. The Legislature found the difference unacceptable and I agree. Reducing costs to a yearly average of \$7,500, however, is simply not practical. It would very likely

result in the total failure of this program. While vetoing this provision, I expect the administrators of the Southwest Joint Center program to take effective action beginning immediately to reduce per student costs to a level which is comparable to other similar programs.

Section 609, Subsection (1) in part, Page 84, Funding for Council for Postsecondary Education.

I have vetoed the first sentence in Subsection (1) of Section 609 which reads "16,824,000 from the fiscal year 1986 general fund - State Appropriation and \$16,824,000 from fiscal year 1987 general fund - State Appropriation are provided solely for student financial aid, including administrative costs." A technical error in this subsection resulted in \$300,000 of general operating funds for the agency being earmarked for financial aid. The result is an inadvertent \$300,000 reduction for other council programs which would severely impact this agency.

With the exception of Sections 1 (3), 2, 119 - The proviso, 121 (4) in part, 214 (2), (3) and (4), 311 (2), 601 (3) in part, 602 (4), 603 (4) in part, 604(5) in part, 604 (6), and 609 (1) in part, Second Substitute Senate Bill No. 3656 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

April 30, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to several sections, Engrossed Substitute Senate Bill No. 3678, entitled:

"AN ACT Relating to revenue and taxation."

The following sections of Engrossed Substitute Senate Bill No. 3678 are hereby vetoed: Sections 2, 3, 4, 5, 6, 7, and the part of Section 9 which refers to Sections 3 through 6.

This bill was a very narrow one which is a response to the recent U. S. Supreme Court decision in *Armco* relating to taxation. Due to the narrowness of my request and the need for passage of this legislation, I requested that no other measures regardless of merit be attached as amendments.

Although the sections I am vetoing may be meritorious, I believe it is important to maintain the legislation as a narrow bill as requested.

With the exceptions of those sections vetoed, Engrossed Substitute Senate Bill No. 3678 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to two portions Substitute Senate Bill No. 3684, entitled:

"AN ACT Relating to lotteries;"

Section 2(6) of this bill would require the lottery to competitively bid all contracts exceeding \$2,500 in value. The Lottery now competitively bids all contracts for goods. Contracts for services, however, are done on a negotiated basis when appropriate. The option of negotiating contracts in appropriate circumstance is available to all other departments, and should continue to be available to the Lottery.

Section 3 of the bill would forbid former lottery employees, (managers and rank and file alike), within two years of termination, to work for an employer that supplies or promotes lottery related goods or services. This section was apparently designed to prevent state employees from providing favored treatment to suppliers in hopes of receiving employment after termination. This concern is not without foundation, nor without countervailing concerns for the rights of individuals to use their skills and knowledge for their own benefit. Because the same potential for

wrongdoing exists in several other areas of state government I believe that this situation should be treated in a comprehensive manner and more practical in scope as an amendment to the conflict of interest statutes, RCW 42.18.

With the exception of Sections 2(6) and 3, Substitute Senate Bill No. 3684 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1(e), Substitute Senate Bill No. 3799, entitled:

"AN ACT Relating to nuclear energy and materials;"

Section 1(e) is identical to Section 1(c) of Engrossed Second Substitute House Bill No. 3. Since I have previously signed ESSHB No. 3, Section 1(e) of this bill is unnecessary.

With the exception of Section 1(e), Substitute Senate Bill No. 3799 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, Senate Bill No. 3800, entitled:

"AN ACT Relating to publications."

Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85 conflict with provisions contained in Substitute House Bill No. 150 and House Bill No. 331. While the proposed amendatory language contained in these sections is consistent with the intent of Senate Bill No. 3800, they would no longer be applicable since Substitute House Bill No. 150 and House Bill No. 331 are approved. I have, therefore, determined to veto these sections in order to avoid difficulties in codification and future interpretation of these sections.

With the exception of Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, which I have vetoed, Senate Bill No. 3800 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8(18), Engrossed Second Substitute Senate Bill No. 3828, entitled:

"AN ACT Relating to Puget Sound water quality."

This is a significant bill which establishes a planning mechanism for improving and maintaining the water quality of Puget Sound. The Puget Sound Water Quality Authority is reestablished as a seven-member body and required to develop, with the participation of all interested citizens, a comprehensive Puget Sound water quality management plan by January 1, 1987.

Section 8 requires the plan to be a "positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality." This section also specifies twenty subjects which are to be studied by the Authority and included in the plan. With the exception of Subsection 18, these subjects are all positive actions that are likely to result in improved water quality for Puget Sound.

Subsection 18 of Section 8 calls for the Authority to make recommendations for "implementation of waivers from the uniform national requirements of secondary treatment." This language was added by amendment late in the legislative process and is not, in my opinion, consistent with the purposes of the act. Moreover, our

Congressional delegation has indicated that the prospect for secondary treatment waivers under federal law appears remote and that "political and practical reality calls for secondary treatment compliance." The issue has the potential to consume too much of the limited time for the Authority to develop the plan. For these reasons, I am vetoing Section 8(18).

With the exception of Section 8(18), which is vetoed, Engrossed Second Substitute Senate Bill No. 3828 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3, 5, 9 and Section 40 in part, Engrossed Substitute Senate Bill No. 3856, entitled:

"AN ACT Relating to fire protection."

This bill would create a ten-member Fire Protection Board to administer the fire protection services that are now under the Insurance Commissioner and the fire training services that are now under the Commission for Vocational Education.

I agree that the fire protection functions which are brought together in this measure ought to be located within a single agency. I do not believe that it is wise to create a separate, single-purpose state agency-governed by a new board for this purpose. The functions should properly be located within the executive branch in an agency responsible to the Governor.

Since I believe the purposes of this measure are worthwhile, I am approving it with several exceptions. I am vetoing the following:

Section 3: establishes the terms of the Board.

Section 5: says the Governor selects one member to serve as chairperson.

Section 9: authorizes the Board to employ an Executive Director.

Section 40: as to the portion requiring the Board and Director to be appointed by October 1, 1985.

By vetoing these sections, a board will be established which may later act in an advisory capacity to the fire protection unit. The board will not, however, be able to proceed to implement the substantive provisions of this act until the legislature passes new legislation.

I intend to ask the next regular session of the legislature to perfect this measure by placing the functions of the board in an existing executive agency and making the board advisory to that agency.

For these reasons, I have vetoed Sections 3, 5, 9 and a part of Section 40 of Engrossed Substitute Senate Bill No. 3856.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Engrossed Substitute Senate Bill 3920, entitled:

"AN ACT Relating to transportation."

The provisions I have vetoed and the reasons therefore are as follows:

1. County Road Administration Board

The proviso language in Section 4 requires the County Road Administration Board to hire, contract or project personnel for the Implementation of the Pavement Management System and the completion of the road jurisdiction and revenue distribution study. While such an approach is probably desirable, the proviso places restrictive conditions on the Board's hiring procedures before the implementation planning has begun. The new positions require persons who have specific expertise in road engineering; the Board's ability to recruit qualified personnel is limited

by the necessity to hire only those applicants who would be willing to take a temporary position.

The proviso also requires the Board to provide a detailed report to the Legislative Transportation Committee on the cost effectiveness of utilizing consultants or other non-agency personnel to undertake the implementation of the projects. My veto eliminates this requirement; however, I strongly urge the Board to undertake this evaluation and to keep the legislature fully informed of its implementation plans.

## 2. Department of Licensing

Language in Section 9 requires that no more than \$6,270,100 be spent for the County Auditor and Subagent Automation project. Although this figure represents the additional appropriation authority necessary to support the project, the total cost is \$7.8 million, offset by \$1.5 million in savings. Because of the misleading project cost reflected in the proviso amount, and the accounting problems which would result from keeping track of both expenditures and savings, I am vetoing the proviso. It is expected that the Department of Licensing will nevertheless comply with legislative intent by keeping net expenditures to the amount stipulated and by complying with all other requirements of the original proviso.

With the exception of the provisos in the aforementioned sections, which I have vetoed, Engrossed Substitute Senate Bill No. 3920 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 3981, entitled:

"AN ACT Relating to exemption from industrial insurance premiums for taxicab operators."

This bill would remove taxicab operators who work as independent contractors from mandatory coverage under the state's industrial insurance program. As a group, these operators appear to be treated like many other employees although technically they may be independent contractors. This bill would deprive them of the security provided by the worker's compensation system without establishing any workable system to insure they would pick up the cost on their own as self-employers.

It is likely that many drivers will not pay for their own insurance coverage, either because they view their work as temporary, feel the coverage is too expensive, believe they will never need coverage, and realize enforcement and collection will be difficult and expensive. The result of injuries without coverage will only serve to shift the cost to the State General Fund under social programs when the cost of adequate coverage should be borne by the business activity.

I realize the rates in this occupation are high. This is a problem to address along with other Labor and Industry issues. Other businesses have to bear the cost of this insurance, and it would not be fair to shift this cost to taxicab drivers when it is likely that a high percentage will not participate and will not be covered for their injuries.

For these reasons, I have vetoed Substitute Senate Bill No. 3981.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2 through 4 and Sections 13 through 15, Engrossed Substitute Senate Bill 4228, entitled:

"AN ACT Relating to revenue and taxation;"

This measure contains several changes to business taxes. It includes important new revenue sources to meet the infrastructure financing needs of local government. It also includes adjustments in taxes for several industries which have clearly demonstrated that present taxes place them at a significant competitive disadvantage to similar businesses in other states. In each of these cases, Washington industries made convincing cases that continuing the current taxes would result in actual loss of existing business within the state with a resulting loss of jobs.

While approving the provisions of Sections 1, 5, 6, 7 and 16, I want to express once again my extreme distaste for piecemeal tax reform. I have approved these provisions only because I believe actual and irreparable losses of business and jobs would result before any general reform can occur. Substantial inequity continues to exist for many other industries in this state which must be addressed in a comprehensive manner in the very near future.

Sections 2 and 3 are essentially identical to Sections 1 and 2 of Engrossed House Bill 99, which I have already signed into law. They are vetoed to avoid double amendments. Section 4 is identical to Section 5 of Engrossed House Bill 99, which I have vetoed and which I am again vetoing.

Sections 13 through 15 create a fifty percent exemption from the B&O tax for new businesses which locate in distressed areas. These sections have an extremely laudable intent. I am firmly committed to bringing new jobs and industry to areas in which there is persistent unemployment resulting from long-term changes in the local economy. Given the state's limited resources, however, it is essential that such efforts are carefully targeted to reach areas with the greatest need. Unfortunately, I do not believe the exemption created in Section 13 through 15 meets this test.

These sections, taken as a whole, are likely to result in substantial loss of revenue to the state without necessarily benefitting truly distressed areas. For example, an existing business could dissolve and reincorporate under a new name or create a wholly owned subsidiary and become eligible for the exemption. Also, Section 15 does not specify how much of a qualifying business is eligible for the exemption. It is, therefore, possible that a new business would qualify for the entire exemption by locating an insignificant operation in a distressed area while the vast majority of its business was located elsewhere in the state in a non-distressed area.

In addition, the fact that a county is considered distressed at any time its unemployment rate exceeds the average, will result in benefits going to businesses in areas with temporary problems instead of being restricted to areas with persistent high joblessness.

For these reasons, I have vetoed Sections 2 through 4 and Sections 13 through 15 of Engrossed Substitute Senate Bill No. 4228.

With the exceptions of Sections 2 through 4 and Sections 13 through 15, which I have vetoed, Engrossed Substitute Senate Bill No. 4228 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

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

I am returning herewith, without my approval as to Sections 10 and 11, Substitute Senate Bill No. 4267, entitled:

"AN ACT Relating to abandoned rail rights of way."

Sections 10 and 11 of this bill seek to terminate and repeal, in 1991 and 1992, the rail right of way acquisition program and the rail right of way acquisition act, which are not defined. Signing these sections into law would raise difficult technical questions about the intent of Sections 10 and 11. I have, therefore, vetoed Sections 10 and 11 of Substitute Senate Bill No. 4267.

With the exception of Sections 10 and 11, which I have vetoed, Substitute Senate Bill No. 4267 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

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

I am returning herewith without my approval as to portions of Section 3(1)(a) through (h) of Engrossed Substitute Senate Bill No. 4399 entitled:

"AN ACT Relating to creating a local governance study commission."

I fully support the purpose of this legislation. I believe that it is now timely for the State, in cooperation with local government representatives, to undertake a comprehensive review of the State's assignment of various public service responsibilities, authorities and funding sources among counties, cities and special districts. Much of the rationale for the current allocation of responsibilities and authorities may now be outmoded due to the changes that have occurred over time in population growth and settlement patterns. The proposed Local Governance Study Commission represents a useful opportunity to recommend needed changes to State policies, statutes, and the constitution, which better serve current public service requirements, and which more appropriately define the roles and activities of cities, counties and special districts, as well as their interrelationship to one another.

However, language contained in Section 3(1)(a) through (h) of this bill directs the Governor to appoint to the Commission twenty-one persons who are nominated by certain specified organizations related to local governance. While I concur with the appropriateness of placing representatives of the named organizations on the Commission, I believe this language precludes gubernatorial discretion and negates the Governor's appointment authority.

Therefore, in order to preserve the Governor's appointment prerogatives, I have vetoed the language that requires the Governor to appoint the nominees of specified organizations. I will, of course, honor the spirit of the vetoed language when making my appointments.

With the exception of portions of Section 3(1)(a) through (h), Engrossed Substitute Senate Bill No. 4399 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

May 20, 1985

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

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 4424, entitled:

"AN ACT Relating to water rights."

This bill reopens the filing of water claims for water rights based on water use up to 1917 for surface water and up to 1945 for groundwater. All claims must be filed by September 1, 1985.

Section 3 of the bill is an emergency clause that would make the bill effective immediately. I believe it is in the best interest of all claimants to keep this period for filing claims as short as possible. By vetoing Section 3, this bill will become effective on July 28, 1985.

With the exception of Section 3, Substitute Senate Bill No. 4424 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

**GOVERNOR'S MESSAGE ON SENATE BILLS  
SIGNED AFTER ADJOURNMENT**

1985 REGULAR SESSION - SPECIAL SESSION

Office of the Governor, June 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 14, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3942

Relating to drivers licensing.

Substitute Senate Bill No. 4196

Relating to services for the unemployed.

Sincerely,  
Terry Sebring,  
Counsel for the Governor

**1985 — SENATE ROSTER  
FORTY-NINTH LEGISLATURE**

<b>Name of Member</b>	<b>Dis- trict</b>	<b>Poli- tics</b>	<b>County</b>	<b>Mailing Address</b>
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290
Barr, Scott	7	R	Lincoln Pend Oreille Stevens Ferry Okanogan, part Spokane, part	Route 1, Box 130 Edwall 99008
Bauer, Albert	49	D	Clark, part	13611 N. E. 20th Avenue Vancouver 98665
Bender, Rick S.	44	D	King, part Snohomish, part	402-A John Cherberg Bldg. Olympia 98504
Benitz, Max E.	8	R	Benton, part	Route 2, Box 2521 Prosser 99350
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Bottiger, R. Ted	2	D	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444
Cantu, Emilio	41	R	King, part	4416 138th Ave. S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam Jefferson Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	8066 Chico Way N.W. Bremerton 98312
Deccio, Alex A.	14	R	Yakima, part	P. O. Box 1343 Yakima 98907
DeJarnatt, Arlie U.	19	D	Cowlitz, part Grays Harbor, part Pacific Wahkiakum	7401 Willow Grove Road Longview 98632 <u>District Office:</u> P. O. Box 552 South Bend 98586-0552
Fleming, George	37	D	King, part	312 Legislative Bldg. Olympia 98504 <u>Home Address:</u> 1100 Lake Wash. Blvd. S. Seattle 98144
Garrett, Avery	11	D	King, part	602 S. W. Langston Road Renton 98055
Gaspard, Marcus S.	25	D	Pierce, part	8220 191st Ave. E. Sumner 98390
Goltz, H. A. "Barney"	42	D	Whatcom, part	3003 Vallette Street Bellingham 98225

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
58	Washington	Farmer	.....	.....
68	Washington	Grain and Cattle Producer, Semi- Retired	1983-1984	1977-1982
56	Montana	Retired Teacher - Farmer	1981-1984	1971-1980
35	Alaska	Gen. Contractor/ Home Builder	1983-1984	1973-1982
68	Kansas	Agri-business	1975-1984	1969-1974
60	Alberta, Canada	President, Loctwall Corp.	1975-1984	1967-1974
52	Washington	Attorney	1973-1984	1965-1972
58	Texas	Professional Engineer	.....	1981-1984
59	Washington	Realtor, Logger, Longshoreman	Appt. July 1957 1957-1959 Elected Nov. 1977-1984	1959-1977
52	Washington	Housewife	1981-1984	1977-1980
63	Washington	Insurance Broker	1981-1984	1975-1980
61	Indiana	Dist. Asst. to Cong. Bonker	.....	1961-1970
46	Texas	Economic Devel. Mgr., PNB	1971-1984	1969-1970
68	Georgia	Retired	.....	1959-1969 Appt. 12/9/77-1984
36	Washington	Real Estate & Property Mgmt.	1977-1984	1973-1976
60	Minnesota	Planning/Mgmt. Consultant	1975-1984	1973-1974

## JOURNAL OF THE SENATE

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Granlund, Barbara A.	26	D	Kitsap, part Pierce, part	3777 Pine Tree Drive Port Orchard 98366 <u>Note: Resigned 9/1/85.</u>
Granlund, Win	26	D	Kitsap, part Pierce, part	3777 Pine Tree Drive Port Orchard 98366 <u>Note: Appointed 10/14/85.</u>
Guess, Sam C.	6	R	Spokane, part	West 408 33rd Avenue Spokane 99203
Halsan, Stuart A. "Stu"	20	D	Lewis Thurston, part	437 John Cherberg Bldg. Olympia 98504
Hansen, Frank "Tub"	13	D	Adams, part Kittitas, part Grant, part Yakima, part	Star Route, Box 73 Moses Lake 98837
Hayner, Jeannette	16	R	Franklin, part Walla Walla Benton, part	Box 454 Walla Walla 99362
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Ave. W. Tacoma 98467
Kiskaddon, Bill	1	R	King, part Snohomish, part	4404 242nd Pl. S.W. Mountlake Terrace 98043
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504
Lee, Eleanor	33	R	King, part	P. O. Box 66274 Burien 98166
McCaslin, Bob	4	R	Spokane, part	So. 1003 Pines Road Spokane 99206
McDermott, Jim	43	D	King, part	1650 22nd Avenue E. Seattle 98112
McDonald, Dan	48	R	King, part	4650 92nd N.E. Bellevue 98004
McManus, Mike	21	D	Snohomish, part	6315 148th Place S.W. Edmonds 98020 <u>District Office:</u> 917 134th S.W. Everett 98204
Metcalfe, Jack	10	R	Island Snohomish, part Skagit, part	3273 Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	1722 Bigelow No. Seattle 98109
Newhouse, Irv	15	R	Benton, part Yakima, part	Route 1, Box 130 Mabton 98935 -

## 1985 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
56	Nebraska	Homemaker	1983-1984	1979-1982
58	Minnesota	Retired Educator	Appt. 10/14/85	
75	Mississippi	Civil Engineer	1963-1984	.....
32	Washington	Attorney	.....	1983-1984
71	Washington	Retired Cattle Rancher & Farmer	1979-1984	1973-1978
65	Oregon	Lawyer	1977-1984	1973-1976
54	Minnesota	Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc.	.....	Appt. 11/21/80 1981-1984
55	California	Counselor and Therapist	1981-1984	1967-1972
41	Washington	Optometrist	.....	1977-1984
53	Illinois	Business Mgr. & Director, Mfg. Rep. Firm	Elected Nov. 1977-1984	1975-1977
58	Ohio	Real Estate Broker	1981-1984	.....
48	Illinois	Physician	1975-1984	1971-1972
41	Washington	Mech. Engineer/ Economist	Appt. Sept. 1983 1983-1984	1979-1983
51	Wisconsin	Businessman	1983-1984	.....
57	Washington	Retired Teacher	1967-1974 1981-1984	1961-1964
72	Washington	Restaurateur and Caterer	1979-1984	.....
64	Washington	Farmer	Appt. 1980, 1981-1984	1965-1979

## JOURNAL OF THE SENATE

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Owen, Brad	35	D	Mason Kitsap, part Thurston, part Grays Harbor, part	402-B JAC Bldg. Olympia 98504
Patterson, E. G. "Pat"	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N. E. 400 Campus Pullman 99163
Peterson, Lowell	40	D	San Juan Skagit, part Whatcom, part	1508 Avon Avenue Burlington 98233
Pullen, Kent	47	R	King, part	22844 172nd Avenue S.E. Kent 98042
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Saling, Gerald L. (Jerry)	5	R	Spokane, part	W. 320 Nebraska Spokane 99205
Sellar, George L.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Drive East Wenatchee 98801
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Talmadge, Phil	34	D	King, part	1725 S. W. Roxbury, #5 Seattle 98106 Note: The above address is the district office.
Thompson, Alan	18	D	Cowlitz, part Clark, part	191 Nob Lane Kelso 98626
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201
von Reichbauer, Peter	30	R	King, part Pierce, part	113 Institutions Building Olympia 98504
Warnke, Frank J.	31	D	King, part Pierce, part	29457 51st Avenue South Auburn 98002
Williams, Al	32	D	King, part	4801 Fremont Ave. No. Seattle 98103

## 1985 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
34	Washington	Small Businessman	1983-1984	Elected 11/2/76-1982
65	Washington	Retired WSU Administrator	1981-1984	1973-1980
63	Washington	Oil Distributor	1965-1984	.....
42	Texas	Research Engineer	1975-1984	1973-1974
75	Washington	Retired	1961-1967, Appt. Oct. 1971 1971-1984	1945-1960
44	Texas	Legislator	1983-1984	Appt. 11/6/79 Elected 11/80 1981-1982
56	Washington	Retired Educator	.....	1965-1970
56	Illinois	Port of Chelan County, Director of Water Resources	Appt. 1/7/72 1972-1984	.....
58	Washington	Retired	.....	Appt. 1979 Elected 1980- 1984
32	Washington	Attorney	1979-1984	.....
57	Iowa	Publisher	Appt. 12/17/82 1983-1984	1965-1982
53	Washington	Ret.-Everett Fire Dept., Small Business Owner	1979-1984	.....
40	Washington	Investment Management	1974-1984	.....
51	Montana	Labor Relations Director	1983-1984	1965-1967 1973-1982
54	North Dakota	Architect	Appt. 2/4/78 1979-1984	1970-1977

## JOURNAL OF THE SENATE

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Wojahn, R. Lorraine	27	D	Pierce, part	3592 East "K" St. Tacoma 98404
Zimmerman, Harold S. "Hal"	17	R	Klickitat Skamania Clark, part	1432 N. E. 6th Avenue Camas 98607
Cherberg, John A.		D	President of the Senate	304 Legislative Building Olympia 98504
Snyder, Sid		D	Secretary of the Senate	P. O. Box 531 Long Beach 98631
Gleason, Bill		D	Assistant Secretary of the Senate	611 No. "C" St. Tacoma 98403
Scarpelli, O. F. "Ole"		D	Sergeant at Arms	6345 6th Avenue N.E. Seattle 98115

## 1985 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
64	Washington	.....	1977-1984	1969-1976
61	North Dakota	Newspaper Columnist	1981-1984	1967-1980
74	Florida	Lieutenant Governor	Elected 1957 1957-1984	.....
58	Washington	Supermarket Owner and Operator	Elected 5/12/69 1969-1984	Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
44	Washington	Professional	Appt. 1971 1971-1981 1983-1984	.....
63	Washington	Real Estate Broker	1983-1984	.....



## Membership of Senate Standing Committees 1985

AGRICULTURE (9) — Hansen, Chair; Goltz, Vice Chair; Bailey, \*Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

COMMERCE AND LABOR (10) — Warnke, Chair; Vognil, Vice Chair; \*Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

EDUCATION (17) — Gaspard, Chair; Bauer, Vice Chair; Rinehart, Vice Chair; Bender, Benitz, \*Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

ENERGY AND UTILITIES (11) — Williams, Chair; McManus, Vice Chair; Bailey, \*Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

FINANCIAL INSTITUTIONS (10) — Moore, Chair; Bender, Vice Chair; Bottiger, \*Deccio, McDermott, Newhouse, Sellar, Vognil, von Reichbauer, Wojahn.

GOVERNMENTAL OPERATIONS (11) — Thompson, Chair; McManus, Vice Chair; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, \*Zimmerman.

HUMAN SERVICES AND CORRECTIONS (9) — Granlund, Chair; Kreidler, Vice Chair; Conner, Craswell, Deccio, Johnson, \*Kiskaddon, Peterson, Stratton.

JUDICIARY (13) — Talmadge, Chair; Halsan, Vice Chair; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, \*Newhouse, Owen, Pullen, Thompson, Williams.

NATURAL RESOURCES (11) — Owen, Chair; Stratton, Vice Chair; Barr, Conner, Halsan, Johnson, Lee, \*Metcalf, Patterson, Peterson, Rasmussen.

PARKS AND ECOLOGY (7) — Kreidler, Chair; Talmadge, Vice Chair; \*Bluechel, Cantu, Hansen, Kiskaddon, Williams.

RULES (21) — Cherberg, Chair; Goltz, Vice Chair; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, \*Hayner, McDonald, Metcalf, Rasmussen, Rinehart, Sellar, Vognil, von Reichbauer, Wojahn, Zimmerman.

TRANSPORTATION (15) — Peterson, Chair; Hansen, Vice Chair; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, \*Patterson, Sellar, Vognil, von Reichbauer.

WAYS AND MEANS (21) — McDermott, Chair; Gaspard, Vice Chair; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, \*Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

**Member Assignments to  
Senate Standing Committees  
1985**

- BAILEY, Cliff — Agriculture, Energy and Utilities, Governmental Operations.  
 BARR, Scott — \*Agriculture, Natural Resources, Transportation.  
 BAUER, Albert — Education, Vice Chair; Agriculture, Rules, Ways and Means.  
 BENDER, Rick S. — Financial Institutions, Vice Chair; Education, Rules, Transportation.  
 BENITZ, Max E. — Agriculture, Education, \*Energy and Utilities, Rules.  
 BLUECHEL, Alan — \*Parks and Ecology, Rules, Ways and Means.  
 BOTTIGER, R. Ted — Agriculture, Financial Institutions, Rules, Ways and Means.  
 CANTU, Emilio — \*Commerce and Labor, Parks and Ecology, Ways and Means.  
 CONNER, Paul H. — Human Services and Corrections, Natural Resources, Rules, Transportation.  
 CRASWELL, Ellen — \*Education, Human Services and Corrections, Ways and Means.  
 DECCIO, Alex A. — \*Financial Institutions, Human Services and Corrections, Ways and Means.  
 DeJARNATT, Arlie U. — Governmental Operations, Judiciary, Rules, Transportation.  
 FLEMING, George — Education, Judiciary, Rules, Ways and Means.  
 GARRETT, Avery — Governmental Operations, Rules, Transportation.  
 GASPARD, Marcus S. — Education, Chair; Ways and Means, Vice Chair; Agriculture.  
 GOLTZ, H. A. "Barney" — Agriculture, Vice Chair; Rules, Vice Chair; Education, Ways and Means.  
 GRANLUND, Barbara A. — Human Services and Corrections, Chair; Governmental Operations, Transportation.  
 GUESS, Sam C. — Education, Rules, Transportation.  
 HALSAN, Stuart A. "Stu" — Judiciary, Vice Chair; Commerce and Labor, Energy and Utilities, Natural Resources.  
 HANSEN, Frank "Tub" — Agriculture, Chair; Transportation, Vice Chair; Parks and Ecology.  
 HAYNER, Jeannette — Judiciary, \*Rules, Ways and Means.  
 JOHNSON, Stanley C. — Education, Human Services and Corrections, Natural Resources, Transportation.  
 KISKADDON, Bill — Education, Energy and Utilities, \*Human Services and Corrections, Parks and Ecology.  
 KREIDLER, Mike — Parks and Ecology, Chair; Human Services and Corrections, Vice Chair; Energy and Utilities.  
 LEE, Eleanor — Commerce and Labor, Natural Resources, \*Ways and Means.  
 McCASLIN, Bob — Energy and Utilities, Governmental Operations, Judiciary.  
 McDERMOTT, Jim — Ways and Means, Chair; Education, Financial Institutions.  
 McDONALD, Dan — Commerce and Labor, Rules, Ways and Means.  
 McMANUS, Mike — Small Business Subcommittee, Chair; Energy and Utilities, Vice Chair; Governmental Operations, Vice Chair; Education.  
 METCALF, Jack — Judiciary, \*Natural Resources, Rules, Transportation.  
 MOORE, Ray — Financial Institutions, Chair; Commerce and Labor, Judiciary, Ways and Means.  
 NEWHOUSE, Irv — Agriculture, Commerce and Labor, Financial Institutions, \*Judiciary.  
 OWEN, Brad — Natural Resources, Chair; Energy and Utilities, Judiciary.  
 PATTERSON, E. G. "Pat" — Education, Natural Resources, \*Transportation.  
 PETERSON, Lowell — Transportation, Chair; Human Services and Corrections, Natural Resources.  
 PULLEN, Kent — Governmental Operations, Judiciary.

- RASMUSSEN, A. L. "Slim" — Natural Resources, Rules, Ways and Means.
- RINEHART, Nita — Education, Vice Chair; Governmental Operations, Rules, Ways and Means.
- SALING, Gerald L. (Jerry) — Education, Energy and Utilities, Governmental Operations.
- SELLAR, George L. — Financial Institutions, Rules, Transportation.
- STRATTON, Lois J. — Natural Resources, Vice Chair; Education, Energy and Utilities, Human Services and Corrections.
- TALMADGE, Phil — Judiciary, Chair; Parks and Ecology, Vice Chair; Ways and Means.
- THOMPSON, Alan — Governmental Operations, Chair; Judiciary, Ways and Means.
- VOGNILD, Larry L. — Commerce and Labor, Vice Chair; Financial Institutions, Rules, Transportation.
- von REICHBAUER, Peter — Financial Institutions, Rules, Transportation.
- WARNKE, Frank J. — Commerce and Labor, Chair; Education, Ways and Means.
- WILLIAMS, Al — Energy and Utilities, Chair; Commerce and Labor, Judiciary, Parks and Ecology.
- WOJAHN, R. Lorraine — Commerce and Labor, Financial Institutions, Rules, Ways and Means.
- ZIMMERMAN, Hal — \*Governmental Operations, Rules, Ways and Means.

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE  
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Ninth Legislature  
1985 Regular First Special Session

Senate No.	Relating to:	Chapter No.	Effective Date
S 3001	Port commission vacancies	87	7/28/85
S 3007	MV license exemptions	PV 353	*5/20/85
	*Section 1		9/1/85
	3008 Use tax; out-of-state business	222	7/28/85
S 3012	Harassment/anti-harassment	288	5/13/85
S 3015	Used books	70	7/28/85
S 3027	Disabled drivers; refueling	309	7/28/85
	3028 Archaeological materials	64	7/28/85
S 3035	Motorcycle instruction permit	234	7/28/85
	3040 DCD obsolete references	6	7/28/85
	3041 RCW clean-up	7	7/28/85
S 3047	Western library network	21	6/30/85
S 3059	Unemployment benefit contribution	270	5/10/85
	3065 Subsistence/lodging; legislators	3	2/4/85
S 3066	Gambling	468	7/28/85
	3067 Aquatic farming	PV 457	7/28/85
S 3068	Mobile home move permits	22	7/28/85
S 3069	Health care PSCs	PV 431	7/28/85
	3070 County auditor records	44	7/28/85
	3072 Trust act corrections	30	4/10/85
	3073 Trust act wills corrections	23	4/10/85
	3074 Trust act partnership corrections	8	4/2/85
	3075 Trust act; declaratory judgments	9	4/2/85
	3076 Trust filing fee	24	4/10/85
	3077 Trust act; joint tenancy	10	4/2/85
	3078 Trust act; statute of limitation	11	4/2/85
	3079 Trust act; corrections	31	4/10/85
	3081 L&I claims reciprocity	48	7/28/85
	3085 Auto window sunscreens	304	7/28/85
S 3087	Juvenile offenders	73	6/30/85
S 3090	Coroner inquest; state reimb	Vetoed	
	3091 Real estate contracts	237	1/1/86
S 3094	Deeds of trust	193	7/28/85
	3096 Federal vacancies	45	7/28/85
S 3099	Mental health; juveniles	354	1/1/86
	3103 Award; in-lieu homestead	194	7/28/85
	3104 Statutes superseded by court rule	68	7/28/85
S 3116	Wildlife damage	355	7/28/85
	3120 MV standards	351	7/28/85
	3121 WSDOT federal funds	20	7/28/85
S 3122	DOT plans and specs	242	7/28/85
S 3125	Quinault tribal highway	228	5/8/85
	3127 Investment board; assist. state treas.	195	7/28/85

Senate No.	Relating to:	Chapter No.	Effective Date
	3129 Veterans' affairs advisory committee	63	7/28/85
S	3131 Sell Mt. St. Helens dredge	12	7/28/85
	3134 Higher education; tuition	356	7/28/85
	3143 Trade name reregistration	88	7/28/85
	3144 Model traffic ordinance	19	7/28/85
S	3145 Forest reserve fund distribution	311	7/28/85
S	3146 Correction institutions; name	350	7/1/85
	3148 Special adult supervision	52	7/28/85
S	3162 Entertainers; unemployment insurance	47	7/1/85
S	3165 Superior court positions	357	*7/28/85
	*Sections 1 and 2		1/1/87
	*Section 3		1/1/86
	3167 Timeshare regulation	358	7/28/85
S	3170 Natural resources reports	93	7/28/85
	3173 Aquaculture trespass	289	7/28/85
S	3175 Shellfish commercial regulation	51	7/28/85
	3176 Juvenile facilities; population	287	7/28/85
S	3179 Cashout annual leave	292	7/28/85
S	3180 Salary surveys	94	7/28/85
S	3184 State housing; certain employ	PV 463	5/21/85
	3189 Employee pay deduction, PACs	271	7/28/85
S	3198 Sexual assault victims	34	6/30/85
S	3201 PCBs; dangerous waste	65	7/28/85
	3202 Property value; initial assess	318	7/28/85
	3204 Veterans day; schools	60	7/28/85
	3205 School employee; leave accum	210	7/28/85
S	3207 Prison work programs	286	7/28/85
	3214 Economic dev. program	92	4/22/85
S	3220 Autopsy report access	300	7/28/85
	3225 African dev. bank; investment	301	7/28/85
	3230 DWI	352	*5/20/85
	*Section 1		7/1/85
S	3235 Educational excellence	349	7/28/85
	3236 Bank holding companies	310	7/1/87
S	3240 Child abuse offender; restraint	35	7/28/85
S	3249 Group life insurance	Vetoed	
S	3254 Domestic violence prevention	303	*7/28/85
	*Sections 1 and 2		9/1/85
S	3261 State building code	PV 360	7/28/85
S	3262 Nursing home licensing	284	7/28/85
	3267 Drive license surrender; return	302	5/13/85
	3270 Public retirement; tax deferral	13	4/2/85
	3273 Law enforcement; mutual aid	89	7/1/85
S	3279 Home schooling	441	7/28/85
	3282 State preference; historic prop	Vetoed	
S	3283 Historic property; preservation	449	7/28/85
	3298 Water level change notice	196	7/28/85
S	3302 Chaplains for police work	223	7/28/85
S	3305 Telecommunication services	450	7/28/85
S	3307 Campaign contribution limit	359	7/28/85
S	3309 License fees; setting	91	7/28/85
	3312 Municipal corporations; public agency	33	7/28/85
	3314 Fishing bait restriction	438	7/28/85

Senate No.	Relating to:	Chapter No.	Effective Date
	3319 Open public meetings; costs	69	7/28/85
	3322 University regents increase	61	7/28/85
	3325 Alcohol beverage business	363	7/28/85
	3326 Special occasion liquor license	306	7/28/85
S	3332 Joint government; self insur.	278	7/28/85
S	3333 Motorcycle dealer franchise	PV 472	7/28/85
	3337 DNR duties; lands commissioner	197	7/28/85
S	3342 Horse racing regulations	146	4/25/85
S	3346 Affirmative action programs	365	7/28/85
S	3350 School districts; redesignation	58	7/28/85
S	3354 Workers; medical aid	PV 368	*7/28/85
	*Section 2		7/1/87
S	3356 County road admin. procedures	369	7/28/85
	3357 Military higher ed.; tuition	362	7/28/85
S	3361 Savings banks	56	7/28/85
	3363 Incest	53	7/28/85
S	3367 Public disclosure	PV 367	7/28/85
	3368 Salmon; sale of inedible	28	7/28/85
	3373 Judgment; plaintiff cost	215	7/28/85
	3374 Attorney fees	240	7/28/85
S	3376 Higher ed; coordinating board	PV 370	*7/28/85
	*Sections 1 - 96 and 105		1/1/86
	*Section 106		6/30/85
S	3384 Salmon, steelhead; rehab	PV 458	5/21/85
S	3386 Executive sessions; governing bodies	366	7/28/85
S	3387 Sewer connection payments	250	7/28/85
S	3388 Attorney general	251	5/10/85
S	3390 Nursing home audit standards	361	5/20/85
	3393 Statute of limitations	186	7/28/85
S	3398 Purchase contract; local gov't	72	7/28/85
	3400 Mineral, oil, gas leases	PV 459	7/28/85
	3401 MV lic.; reciprocity; commercial	173	7/28/85
	3406 Shared work programs	43	4/15/85
S	3407 Unemploy. comp., training	40	7/1/85
	3408 Unemploy. insur.; employer defined	41	7/28/85
	3409 Experience rating; unemploy. comp	42	4/15/85
	3415 Adjustable interest rates	224	7/1/85
	3420 Open space transfers	319	5/16/85
	3426 Industrial insurance; appeals	314	7/28/85
	3427 Domestic insur.; holding corp	364	5/20/85
	3436 Ballot titles, AG duty	252	7/28/85
S	3438 Energy emergencies	308	6/29/85
S	3442 Fire service training fund	312	7/28/85
	3445 Park & recreation service areas	253	7/28/85
S	3450 Firearms	428	7/28/85
	3456 MV fuel, alcohol; tax exemptions	371	7/28/85
	3467 Rail districts	187	7/28/85
S	3468 Hanford; disposal site	293	5/13/85
	3486 County gambling tax	172	7/28/85
	3494 Turkey shoots	170	7/28/85
S	3500 Signs; tourists; agriculture	376	7/28/85
S	3516 Spanish/Japanese instruction	379	*7/28/85
	*Sections 1, 2, 3 and 4, pending funding		

Senate No.	Relating to:	Chapter No.	Effective Date
S 3536	PUDs	95	7/28/85
3538	School seniority; nontransferrable	46	7/28/85
S 3540	HMOs	320	7/28/85
3547	School immunizations	49	4/17/85
3551	Tax statutes clarified	32	4/10/85
S 3553	Junk vehicles	377	1/1/86
3569	Risk management office	PV 188	7/28/85
3572	Generally accepted accounting practices	57	7/1/85
3576	Lake Osoyoos water project	27	7/28/85
S 3580	Business corporations	290	7/28/85
3593	Mt. St. Helens reimbursement	255	7/28/85
S 3594	Irrigation district voting	66	7/28/85
3596	Criminal justice info system	201	7/28/85
S 3598	Service dogs; disabled persons	90	7/28/85
3601	MV proportional licensing	380	*1/1/--
	*of year following state entry IRP		
S 3602	Savings and loans	239	7/28/85
3612	Freeze excess levy lid	PV 374	7/28/85
3624	Employment security personnel	96	7/28/85
3625	Fire district annexation	313	7/28/85
3627	Marginal labor force	285	7/1/85
S 3630	High-tech coordinating board	381	7/28/85
S 3654	Capital budget	373	7/1/85
2S 3656	Biennial budget	PV 6 E1	6/27/85
S 3678	Revenue and taxation	PV 190	4/30/85
S 3684	Lottery funds/accounts	PV 375	3/1/85
S 3723	Hotel/motel tax	272	7/28/85
3762	Convention trade center	233	5/10/85
3765	Municipal utilities	445	7/28/85
S 3776	Arts commission	317	6/30/85
S 3781	State Patrol; exams officers	4	3/13/85
3782	Honors award program	62	7/28/85
S 3786	Shopping cart thefts	382	7/28/85
S 3792	Banks and banking	305	7/28/85
3794	School land purchase	200	7/28/85
S 3797	Blind, deaf schools	378	7/1/86
S 3799	Radiation control	PV 383	7/28/85
3800	Legal notices	PV 469	7/28/85
3804	AIDS liability	321	7/28/85
3812	Water pollution control; penalties	316	7/28/85
3818	Records committee	192	7/28/85
3826	Local government finance	71	7/28/85
2S 3828	Puget Sound water quality authority	PV 451	5/21/85
3829	Physician licensing	322	7/28/85
3830	Street vacation	254	7/28/85
3846	Schools, in-service training	214	7/28/85
3851	Liquor premises; workers; 18 years	323	7/28/85
3852	Child support; joint committee	294	7/28/85
3854	Ongoing absentee voters	273	7/28/85
S 3856	Fire protection board	PV 470	1/1/86
S 3882	Armory rental; cleaning	295	7/28/85
S 3897	Property & casualty insurance	238	7/28/85
S 3898	Occupational therapists	296	7/28/85

Senate No.	Relating to:	Chapter No.	Effective Date
S 3904	Self-medication	297	7/28/85
3906	Pornography; moral nuisance	235	5/10/85
S 3911	Affordable housing	386	7/28/85
S 3920	Transportation budget	PV 460	5/21/85
3942	Drivers' licensing	1 E1	7/1/85
S 3951	Northern State Hospital; reuse	241	5/10/85
S 3981	Taxicabs; industrial insurance	Vetoed	
S 3989	Mastectomy insurance	54	1/1/86
S 4041	Oyster reserves management	256	7/28/85
S 4059	Juvenile service restitution	257	7/28/85
S 4105	Mental health commitment	207	7/28/85
S 4107	Nurse; patient; privileged comm	447	7/28/85
4110	SPI contract; admin. hearings	225	5/7/85
S 4114	State securities; sale	171	7/28/85
4115	Sports facility; ind. dev. bonds	439	7/28/85
4121	Agriculture assess.; HJR 42	26	*1/1/86
	*Pending approval of HJR 42		
4122	Bread and flour; contents	25	7/28/85
4127	Alcoholic beverage license	226	7/28/85
4129	Work release	298	7/28/85
S 4138	Domestic insurers	55	4/17/85
4140	High school graduation	384	7/28/85
4142	School districts; organization	385	*7/28/85
	*Sections 24 and 39		5/20/85
4143	Student transportation allowance	59	7/28/85
4146	Mt. St. Helens	307	5/16/85
4152	Tuition residency; higher ed	198	7/28/85
4155	Court costs	389	*7/28/85
	*Secs. 2 - 9		7/1/85
4169	Burke Museum. UW	29	6/30/85
4185	Higher ed.; tuition fees	390	7/28/85
S 4189	Indust. ins.; tax appeals	315	7/28/85
S 4190	Indust. ins.; appeals board	209	7/28/85
S 4196	Unemployed/underemployed assist	5 E1	6/14/85
4206	School bidding procedure	324	7/28/85
S 4209	Asbestos; removal, encapsulation	387	7/28/85
4216	Dentists; copayment	202	7/28/85
4227	Scoliosis screening	216	7/28/85
S 4228	B&O multiple activities	PV 471	7/1/85
S 4229	Juveniles; adult jails	50	7/28/85
S 4231	Hunting, fishing; fees	464	7/1/85
4236	Deferred comp.; appropriation	199	4/30/85
4259	Public accomodation; sex discrim	203	7/28/85
S 4263	Equity agreement	440	7/28/85
4266	Energy fac. site eval. council	67	7/28/85
S 4267	Rail right-of-way; DOT	PV 432	7/28/85
4278	MV impound; unlicensed	391	7/28/85
4288	On-the-job training; ind. ins	299	7/28/85
S 4294	Indust. ins. payments	227	7/1/85
4302	Lie detectors	426	7/28/85
S 4314	Natural fish runs	208	7/28/85
S 4358	L&I deputy director	325	7/28/85
S 4361	Centennial commission; duties	291	7/28/85

## SENATE BILLS PASSED BY BOTH HOUSES

2753

Senate No.	Relating to:	Chapter No.	Effective Date
S 4386	Library districts .....	392	7/28/85
S 4399	Local government study commission .....	PV 388	5/20/85
S 4424	Yakima water adjudication .....	PV 435	7/28/85

Senate No.	Relating to:	Chapter No.	Effective Date
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**SENATE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH HOUSE AND SENATE**

Forty-Ninth Legislature

1985 Regular and First Special Session

No.                      Subject:

**SENATE JOINT MEMORIALS**

102	Canadian forest products
S 104	Japanese-Americans assistance
107	Hazardous waste cleanup
108	Bonneville Power Administration; repayment
109	PUREX plant shutdown
110	Federal college savings plan
111	Minorities; graduate education
119	Bonneville Dam; funds
S 121	Farm banks assistance
127	Vessel air emissions study
128	Customs service; one west coast port

**SENATE CONCURRENT RESOLUTIONS**

101	Joint Committee; Telecommunications Regulation
102	Governor notified; Legislature organized
105	Cut-off dates
107	Joint operating rules
109	Nuclear waste liability
114	Joint select committee; industrial insurance
120	Bills returned to house of origin
121	Reinstatement of bills for special session
122	Bills returned to house of origin; 1st Special

Senate No.	Relating to:	Chapter No.	Effective Date
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**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE  
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Ninth Legislature  
1985 Regular Session  
1985 First Special Session

House No.	Relating to:	Chapter No.	Effective Date
2S	3 Radiation protection	372	7/28/85
S	4 County seats removal	145	7/28/85
	12 TV improvement district/FM radio	76	7/28/85
S	14 Salmon angling licenses	174	7/28/85
S	15 Public works; prevailing wage	80	7/28/85
S	16 Prevailing wage payment	15	7/28/85
	21 Horticultural nursery dealer	36	7/28/85
S	23 Special districts, compensation	330	7/28/85
	27 Councilmanic offices reduction	106	7/28/85
S	28 Biennial municipal budgets	175	7/28/85
	31 Salmon/monofil gill net	147	7/28/85
	34 Water heater temperatures	119	7/28/85
S	36 Law enforcement; telephone intercept	260	7/28/85
S	39 Insurance Code; misc. changes	264	*7/28/85
	*Sections 17 - 22		5/10/85
S	46 Consumer protection act; intent	401	7/28/85
S	48 Coll. barg; life support tech	150	7/28/85
S	50 Soc. sec.; reimbursement	100	4/22/85
S	52 Human rights commission	PV 185	7/28/85
S	53 Center for voluntary action	110	4/22/85
	54 Radioactive waste; tort liab	275	7/28/85
	58 Arbitration awards; procedure	265	7/28/85
S	61 Health insurance; public employ	Vetoed	
S	62 Smoking; public places	236	7/28/85
	66 Plumbing contractors; training	465	7/28/85
S	68 Human remains; requirements	402	7/28/85
S	69 Solid wastes; trust funds	436	7/28/85
	73 Commission on equip/designees	165	7/28/85
	77 Ferry/performance requirements	176	7/28/85
	80 State highway routes; update	177	7/28/85
S	84 Schools; employee benefits	277	7/28/85
S	86 DOT civil service exemptions	178	7/28/85
S	91 Open space; public benefit	393	7/28/85
	92 Commission; outdoor recreation	77	7/28/85
S	94 Public health; director	124	7/28/85
	99 Fish farming; excise tax	PV 148	7/28/85
S	101 Chance drawing; grocery store	473	7/28/85
	107 Official proceeding; interfer	327	7/28/85
	116 Seniority; state employees	PV 461	7/28/85

House No.	Relating to:	Chapter No.	Effective Date
S	124 State volunteers; defense	217	7/28/85
S	127 Wildlife, fisheries; law enforce	155	7/28/85
	132 County tax; nonresident	179	6/30/85
S	133 Highway info panel revisions	142	7/28/85
	139 Fire code; municipal airports	246	7/28/85
2S	141 Achievement test; tenth grade	403	*
	*Effective pending funding provisions		
	142 Marriage licenses	82	7/28/85
	149 County treasurer; distraint papers	83	7/28/85
S	150 Special purpose dists.; procedures	PV 396	7/28/85
	152 Community college treasurer; advance	180	7/28/85
	153 Child support enforcement	276	7/28/85
S	155 Notaries; requirements	156	*7/28/85
	*Secs. 1-19, 21, 23-26		
	156 Driver's financial responsibility	157	7/28/85
	158 Driver license reinstatement fees	211	7/28/85
S	163 Driver lic. restrict/alcohol-drug abuse	101	7/28/85
S	166 University, college construction bids	152	7/28/85
	168 UW printers; personnel laws	266	7/28/85
	169 Public lands; rental and use	168	4/25/85
2S	174 Teachers' assistance programs	399	7/28/85
	175 Career exec. program extended	118	6/30/85
S	177 Veterans; hall rental funds	181	7/28/85
S	178 WA state internship program	442	7/28/85
S	179 Migratory waterfowl stamps	243	5/10/85
	183 Senior citizens' meals; tax exempt	104	4/22/85
S	187 County improvement; highways	PV 400	7/28/85
S	188 Mobile homes removal	78	7/28/85
S	189 Property tax; fire protection dist	112	7/28/85
S	190 Escrow agents	340	7/28/85
S	194 Water-sewer dist; territory	153	7/28/85
S	199 Farm labor contractors	280	1/1/86
S	203 County road tax	429	5/21/85
S	204 Board of prison terms and paroles	279	5/13/85
	213 Port commissioners; insurance	81	7/28/85
S	214 Watercraft; alcohol, drugs	267	7/28/85
S	220 Productivity board	114	7/1/85
	222 ML King, Jr./state holiday	189	7/28/85
S	223 Hydraulic projects; study	123	7/28/85
	228 Smallcraft registration	452	7/1/85
S	232 Groundwater advisory committee	453	5/21/85
S	242 Crime victims; rights	PV 443	7/1/85
	250 Small works roster; revision	154	7/28/85
	251 Ski area facility; fraud use	129	7/28/85
S	253 Code cities; annexation	105	7/28/85
S	254 Amusement rides; permits	262	1/1/86
	261 School plant facilities	136	7/28/85
S	262 Obsolete provisions, RCW 28A	PV 341	*7/28/85
	*Sections 4 and 13		
	268 Institutional industry; resale	151	7/28/85
S	270 Acupuncture practice; certify	PV 326	7/28/85
	271 Assistance vans; stops	149	7/28/85
S	272 Children's statements; admission	404	7/28/85

House No.	Relating to:	Chapter No.	Effective Date
S	279 Public hospital cmsn; meetings	166	7/28/85
	281 Radio communicatons service	167	7/28/85
	293 Trustees; regional universities	137	7/28/85
S	297 Organic food products	247	7/28/85
S	303 Water company redefined	161	7/28/85
	310 Wagering; permitted	86	7/28/85
	312 Private schools; hours, days	16	7/28/85
S	314 Budget modifications	PV 405	5/20/85
	318 Highway bond authorized, 1989	406	7/28/85
S	321 County road funds	120	*7/28/85
	*Section 3		7/1/87
S	323 Nisqually river system mgmt	244	7/28/85
	327 Strobe light restrictions	PV 331	5/16/85
	331 Higher ed.; governing laws	218	7/28/85
2S	356 DSHS reimbursement	245	5/10/85
	357 Personal records; disclosure	334	7/28/85
S	358 Personnel files; inspection	336	7/28/85
S	379 LID laws revision	397	7/28/85
S	380 DOE/flood damage	454	7/28/85
S	386 Supplemental budget; Gov.'s req	PV 14	4/2/85
S	389 Vending machines; public bldgs	97	7/28/85
S	391 State purchasing; bid requirements	342	7/28/85
S	396 Public assistance eligibility	PV 335	7/28/85
	398 Heavy vehicle use tax	79	4/18/85
	399 MV related business licensing	109	7/28/85
	402 Raffle tickets; price increase	75	7/28/85
S	403 Aquifers/sewer districts	98	7/28/85
	409 Architecture; regulations	37	7/28/85
2S	428 Real estate license; education	PV 162	7/28/85
	434 U of W denistry faculty	111	7/28/85
S	435 LEOFF revisions	PV 462	7/28/85
S	444 LEOFF disability benefits	102	4/22/85
S	459 Kosher foods sale	127	7/28/85
S	460 Phone solicitation; restrict	121	7/28/85
S	461 Loans, grants; public facility	446	*7/28/85
	*Section 1		5/21/85
	*Sections 7 - 14		6/1/85
	*Sections 2 & 15 - 25		7/1/85
S	466 Fish dealers; wholesalers	248	7/28/85
S	469 Naturopathic medicine; defined	131	7/28/85
	479 Park and fish licenses; disabled	182	7/28/85
S	481 Licensing board; temp. members	116	7/28/85
S	482 Health care assistant; license	117	7/28/85
S	490 Transportation budget; supplemental	17	4/9/85
	492 Child abuse proceedings	183	7/28/85
S	493 Seismic safety commission	Vetoed	
S	500 Medical care coverage	5	3/25/85
S	512 Bill of rights; children	394	7/28/85
S	520 Industrial loan companies	74	7/28/85
S	543 City consolidation; uniform laws	281	5/13/85
S	546 Agric. commodity assess	261	5/10/85
S	550 Cable TV services; theft	PV 430	7/28/85
S	565 County treasure; fiscal agent	84	7/28/85

House No.	Relating to:	Chapter No.	Effective Date
	575 Political contrib.; deduction . . . . .	204	7/28/85
	576 Small works roster; contract . . . . .	219	7/28/85
S	577 Employee stock ownership plan . . . . .	263	7/28/85
	593 Drivers' license; alcohol . . . . .	407	*1/1/86
	*Sections 2 & 4		7/1/85
S	596 Noise abatement impact area . . . . .	115	7/28/85
	601 Sales tax included; ad prices . . . . .	38	4/15/85
S	602 Plat standards . . . . .	99	7/28/85
S	606 Lake management districts . . . . .	398	*7/28/85
	*Sections 28 - 30		1/1/86
	610 Board of health; provisions . . . . .	213	6/30/85
S	622 WA centennial commission . . . . .	268	7/28/85
S	625 Trade & econ. dev. dept . . . . .	PV 466	6/30/85
2S	627 WA state economic develop. board . . . . .	PV 467	7/1/85
	629 Elections; gen. oblig. bonds . . . . .	282	*12/5/85
	*Pending approval of HJR 22		
	643 Retirement; direct billing . . . . .	138	7/28/85
	657 LEOFF disability benefits . . . . .	103	7/28/85
S	660 Private carriers; standards . . . . .	333	7/28/85
	670 Salmon troll licenses . . . . .	107	7/28/85
	675 Stepchild; wrongful death act . . . . .	139	7/28/85
S	717 Phone rates; measured service . . . . .	206	7/28/85
	718 Mobile homes; tax assessment . . . . .	395	7/28/85
	720 Highway construction stabilization . . . . .	140	7/1/85
	723 B&O tax; radioactive waste . . . . .	Vetoed	
S	731 Horses; ag. dept. marketing . . . . .	113	7/28/85
2S	738 Community revitalization team . . . . .	PV 229	7/1/85
S	746 Health insur.; child support . . . . .	108	7/28/85
	758 Utility services; theft . . . . .	PV 427	7/28/85
S	760 Youth conservation corps . . . . .	PV 230	5/10/85
S	767 Criminal profiteering . . . . .	455	*7/1/85
	*Secs. 13, 14, 15, 16 & 17		7/28/85
S	781 Distinguished professorship prog . . . . .	PV 343	7/28/85
	787 Exempt avalanche; explosive act . . . . .	191	7/28/85
S	799 Parenting & child abuse program . . . . .	344	7/28/85
S	802 Economic development programs . . . . .	125	7/28/85
S	804 Tires; recycle program . . . . .	345	7/28/85
S	805 Teachers; potential abuse training . . . . .	419	7/28/85
	808 Destroyed property; tax value . . . . .	220	5/7/85
S	814 Puget Sound wastewater standards . . . . .	417	7/28/85
S	815 Sewage treatment facilities . . . . .	249	7/28/85
	830 Business expansion; siting . . . . .	85	4/18/85
S	831 Bond info; publication . . . . .	130	7/28/85
	832 World fair commission; gifts . . . . .	274	5/13/85
S	837 International trade; lumber . . . . .	122	7/28/85
S	839 Land use plans; Puget Sound . . . . .	126	7/28/85
S	843 Livestock; provisions modified . . . . .	PV 415	7/28/85
S	846 Electric generation; municipal . . . . .	444	7/28/85
S	848 Disposition inmates; notification . . . . .	346	7/28/85
2S	849 Teacher evaluation . . . . .	420	*7/28/85
	*Secs. 1 - 5, 7 - 10		7/1/87
S	850 Landscape architects; regulation . . . . .	18	6/30/85
	853 Vessels; watercraft titles . . . . .	PV 258	6/30/85

House No.	Relating to:	Chapter No.	Effective Date
S	855 Development finance authority estab . . . . .	164	7/28/85
S	863 Funding transportation improvements . . . . .	PV 433	7/28/85
S	865 Haz. substance info office created . . . . .	410	7/28/85
S	877 Adoptions; law revisions . . . . .	421	5/20/85
S	890 Agricultural liens . . . . .	412	*7/28/85
	*Sections 13 - 20		10/1/85
S	891 Park district annexation . . . . .	416	7/28/85
	914 Timber tax distribution . . . . .	184	*7/28/85
	*Section 2		4/25/85
S	932 Child abuse reporting . . . . .	259	7/28/85
	943 WA technology exchange . . . . .	269	7/28/85
	949 Energy equip. and services . . . . .	169	7/28/85
S	956 Federal grants and programs . . . . .	332	7/28/85
S	957 Underinsured motorists . . . . .	328	7/28/85
S	958 Trust lands; transfers . . . . .	163	7/28/85
S	974 Acid rain; provisions . . . . .	456	7/28/85
2S	975 Hazardous wastes . . . . .	448	7/28/85
	999 Educational clinics . . . . .	PV 434	5/21/85
	1000 Trade-ins; use tax exempt . . . . .	132	7/28/85
S	1003 Excise tax; admin. provisions . . . . .	414	7/28/85
	1004 Revenue director; escheat property . . . . .	133	7/28/85
	1006 Consumer definition modified . . . . .	134	7/28/85
	1009 Excise tax provisions . . . . .	135	7/28/85
	1021 Pesticide control laws . . . . .	158	7/28/85
S	1044 Irrigation district plats . . . . .	160	7/28/85
S	1046 Health maintenance contracts . . . . .	283	7/28/85
2S	1056 School-based management . . . . .	422	*7/1/87
	*Pending funding		
S	1060 Tax; food fish and shellfish . . . . .	413	7/28/85
S	1061 Trade assistance center . . . . .	231	5/10/85
S	1063 International marketing prog . . . . .	39	6/30/85
2S	1065 Schools; in-service training . . . . .	423	*7/1/87
	*Pending funding		
2S	1078 Childhood assistance program . . . . .	418	.
	*Pending funding		
S	1079 Sales tax deferrals . . . . .	232	5/10/85
S	1080 State exempt positions . . . . .	221	7/28/85
S	1082 Industrial insurance . . . . .	337	7/28/85
S	1084 Vocational rehab. laws . . . . .	339	5/16/85
S	1085 L&I; prompt actions . . . . .	338	7/28/85
S	1089 Industrial insurance penalties . . . . .	347	7/28/85
	1094 Identical cards issuance . . . . .	212	7/28/85
S	1107 Vehicle license; valid driver lic . . . . .	424	7/1/86
S	1114 Energy related building standard . . . . .	144	4/24/85
S	1116 Aquifer protection areas . . . . .	425	7/28/85
S	1129 Business improvement areas . . . . .	128	7/28/85
S	1153 Voting & regis; handicapped . . . . .	205	.
	*Sections 1, 2 and 13		5/7/85
	*Sections 15 and 16		7/28/85
	*Sections 3 - 12 and 14		1/1/86
S	1169 Community reinvestment act . . . . .	329	1/1/86
S	1170 Right-to-know act . . . . .	409	7/28/85
S	1190 Joint center for education . . . . .	408	7/28/85

House No.	Relating to:	Chapter No.	Effective Date
S 1191	County property distrib .....	PV 143	7/28/85
S 1195	Flex-time work schedules .....	411	7/28/85
S 1207	Voc. training; pilot program .....	437	6/30/85
S 1232	Water & sewer districts annex .....	141	7/28/85
S 1234	Ag. market program; responsibility .....	PV 159	7/28/85
S 1269	Emergency medical serv. levies .....	348	7/28/85
1326	Tax deferral; certain projects .....	2 E1	6/14/85
1327	Bonds; school facilities .....	3 E1	6/14/85
1328	Bonds; capital projects .....	4 E1	6/14/85

**HOUSE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH HOUSE AND SENATE**

Forty-Ninth Legislature

1985 Regular and First Special Session

No.            Subject:

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HOUSE JOINT MEMORIALS

1	Highway construction funds
2	Orthodox Christians; protection
S 16	South Lake Union Naval Base

HOUSE JOINT RESOLUTIONS

12	Industrial insurance funds; investment
22	Excess levies; forty percent validation
23	Ad valorem taxing districts
42	Agricultural assessments

HOUSE CONCURRENT RESOLUTIONS

1	Calling Joint Session
4	Joint Session; Memorial Service
7	Joint Select Committee on Telecommunications extended
13	Notifying Governor, sine die
14	Notifying Governor, legislature organized, 1st Special
15	Notifying Governor, sine die, 1st Special

## HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3001.	15	82				
3001.(Sub)			173	174,1157	1235,1321	1919 C87
3002.	15	297				
3003.	15	451			835	
3004.	15					
3005.	15	448				
3005.(Sub)			893	893	2638	
3006.	16					
3007.	16	214,229				
3007. (Sub)		348	417	417,1297	1331,1446	2719 PV C353
3008.	16	325	418	418	1331,1446	2648 C222
3009.	16					
3010.	16					
3011.	16	330	446	446	2638	
3012	16	90				
3012.(Sub)			171,185	186,2303	172 1124,1914 2026,2183 2501,2637	2650 C288
3013.	16					
3014.	16	421				
3014.(Sub)			757	757		
3015.	16	90				
3015.(Sub)			235	235	1101,1177	1486 C70

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3016.	16					
3017.	16	229				
3018.	17	177	231	232	2638	
3019.	17					
3020.	17	371	485	485	2638	
3021.	17	451	645	645	2638	
3022.	17					
3023.	17					
3024.	17	421				
3024.(Sub)			530	531	2638	
3025.	17					
3026.	17					
3027.	17	365				
3027.(Sub)			649	649,1776	1859,2025	2651 C309
3028.	17	163	318	318,1102	1148,1177	1485 C64
3029.	18	448				
3029.(Sub)			907	908	1300,1915 2327,2506 2634,2638	
3030.	18	177	328	328	2638	
3031.	18					
3032.	18					
3033.	18					
3034.	18	302				
3035.	18	503				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3035.(Sub)			694	694,1374	1447,1486	2649 C234
3036.	18					
3037.	18	462				
		157				
3038.	18	191,1473	174			
3038.(2nd Sub)			1773	1774	2638	
		150				
3039.	18	157,462			88,947	
3040.	19	63	65,75	75	945,956	1038 C6
3041.	19	63	65,75	76	945,956	1038 C7
3042.	19	98	234	235	2638	
3043.	19	98	220	220	2638	
3044.	19	127	196	196	2638	
3045.	19					
3046.	19	345	525	526	2638	
3047.	19	503				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3047.(Sub)			569	569	1026,1042	1175 C21
3048.	20	118				
3048.(Sub)			222	222	2638	
3049.	20					
3050.	20					
3051.	20					
3052.	20					
3053.	20					
3054.	20					
3055.	20					
3056.	20	332				
3056.(Sub)			734	734	2638	
3057.	20				55	
3058.	20					
3059.	21	77				
3059.(Sub)			195	195	1763,1920	2649 C270
3060.	21					
3061.	21					
3062.	21					
3263.	21					
3064.	21					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3065.	23	28	29	29	151	179 C3
3066.	30	462				
3066.(Sub)			754	755,2481	2069,2118 2195,2357 2378	2653 C468
3067.	30	127 157,365	614,622	624,1394	436,622 1447,1486	2719 PV C457
3068.	30	148				
3068.(Sub)			195	195	1030,1042	1176 C22
3069.	30	345				
3069.(Sub)			487	487,1923	2031 2058	2720 PV C431
3070.	30	82	194	194,1049	1086,1095	1378 C44
3071.	30					
3072.	30	63	65,87	87,1004	1026,1042	1175 C30
3073.	31	63	65,87	87,1005	1026,1042	1175 C23
3074.	31	64	65,88	88,956	945,956	1038 C8
3075.	31	64	65,88	88	945,956	1038 C9
3076.	31	64	65,94	94,966	1026,1042	1175 C24
3077.	31	64	65,95	95	945,956	1038 C10
3078.	31	64	65,95	95	945,956	1038 C11

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3079.	31	64	65.96	96.1014	1026.1042	1176 C31
3080.	32					
3081.	32	165	337	337	1101.1177	1485 C48
3082.	32	472	806	806	806.947	
3083.	32	421				
3084.	32					
3085.	32	148	221	221.1886	1921.2058	2651 C304
3086.	32					
3087.	32	382				
3087.(Sub)			569	569	1101.1177	1485 C73
3088.	32	229				
3088.(Sub)			344	344	2638	
3089.	32	291				
3089.(Sub)			379	380	2638	
3090.	32	315				
3090.(Sub)			454	454	1101.1177	2720 VETOED
3091.	33	340	485	486	1331.1446	2649 C237
3092.	33	64	65.132	132	2638	
3093.	33	314	400	400	2638	
3094.	33	333				
3094.(Sub)			466	466	1331.1446	2648 C193
3095.	33	82	235	236	2638	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3096.	33	314	429	429.1048	1086.1095	1378 C45
3097.	33					
3098.	33	118	175	175	2638	
3099.	33	340			448	
3099.(Sub)			523	524.1934	2031.2058	2652 C354
3100.	59					
3101.	59					
3102.	59					
3103.	59	127	194	195	1331.1446	2648 C194
3104.	59	127	236	237	1154.1206	1485 C68
3105.	60					
3106.	60					
3107.	60				338	
3108.	60					
3109.	60					
3110.	60	421				
3110.(Sub)			648	648	2638	
3111.	60	118	188	188	2638	
3112.	60	421				
3112.(Sub)			793	793	2638	
3113.	60					
3114.	60					
3115.	60					
3116.	61	230				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3116.(Sub)			343	343,1886	1921,2058	2652 C355
3117.	61					
3118.	61					
3119.	61					
3120.	61	324	871,2034 2075	871,2479	1935,2034 2076,2087 2577,2626	2652 C351
3121.	61	148	194	194	1026,1042	1176 C20
3122.	61	148	221	221	1331,1447	2650 C242
3123.	61					
3124.	61					
3125.	61	472				
3125.(Sub)			695	695,1936	2031 2058	2649 C228
3126.	61	472				
3127.	62	157	309	309	1322,1447	2648 C195
3128.	62					
3129.	62	302	375	375	1101,1177	1485 C63
3130.	62					
3131.	65	127				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3131.(Sub)			187	187	945,956	1038 C12
3132.	65	425	533	533	2638	
3133.	65	176	320	320	2639	
3134.	65	462	714,2304	714,2304	1474,1911 2062,2635 2638	2652 C356
3135.	65					
3136.	65					
3137.	65	408			835	
3138.	65					
3139.	65	163				
3140.	66	163,457	726	726	2639	
3141.	66	373				
3142.	66	373				
3143.	66	230	367	367	1101,1177	1919 C88
3144.	66	150	173	173	1026,1042	1176 C19
3145.	66	177	313	313	1331,1447	2651 C311
3146.	66	361				
3146.(Sub)			515	515,2304	1384,1411 1912,2060 2501,2637 2639	2652 C350
3147.	66	158	445	445		
3148.	66	375	664	670	562 1101,1177	1485 C52
3149.	66					
3150.	67					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3151.	67					
3152.	67	386				
3153.	67					
3154.	67	472				
3154.(Sub)	67		570	570	2639	
3155.	67					
3156.	67					
3157.	67	503				
3157.(Sub)	67		809	811	2639	
3158.	67					
3159.	69					
3160.	69	503				
3160.(Sub)	69		611	612	2639	
3161.	69	393				
3161.(Sub)	69		571	571	2639	
3162.	69	340				
3162.(Sub)	69		561	561	1101,1177	1482 C47
3163.	70	158			338,947	
3164.	70					
3165.	70	473				
3165.(Sub)	70		572	572,2422	2421 2501,2637	2652 C357
3166.	70	333				
3166.(Sub)	70		468	468	2639	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3167.	70	325	447	447.2361	1155,1917 2111,2501 2637	2652 C358
3168.	70	118,158				
3169.	70					
3170.	70	177				
3170.(Sub)			232	232,1157	1235,1321	1919 C93
3171.	70	178				
3172.	70	98	185	185	2639	
3173.	70	119	170	170	1956,2194 2302,2367	2650 C289
3174.	71	98				
3175.	71	345,401			76	
3175.(Sub)			896,899	899	897,1101 1177	1485 C51
3176.	71	128	301	301	1103,1954 2059,2073 2118	2650 C287
3177.	71	150				
3178.	71	119	173	173	2639	
3179.	71	473			89	
3179.(Sub)			573	573,1937	2031,2058	2650 C292
3180.	71	178				
3180.(Sub)			455	455,1160	1235,1321	1919 C94
3181.	71				89	
3182.	71	291			89	
3182.(Sub)			389	390	2639	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3183.	71					
3184.	72	448				
3184.(Sub)			599	599.2377	1475.2027 2196.2376 2577.2626	2721 PV C463
3185.	72	361				
3186.	72					
3187.	72					
3188.	72	463.503				
3188.(Sub)			920	920	2639	
3189.	72	315	403	405.2076	1169.2119 2194	2650 C271
3190.	72					
3191.	72					
3192.	72					
3193.	72					
3194.	73					
3195.	73					
3196.	73					
3197.	73	325				
3198.	73	230				
3198.(Sub)			353	353	1046.1086	1218 C34
3199.	73					
3200.	73	150.448				
3200.(Sub)			735	735	2639	
3201.	73	238.393 473				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3201.(Sub)			574	574	1104 1148,1177	1485 C65
3202.	73	158	232	232,2072	1956 2119,2194	2651 C318
3203.	73					
3204.	73	150	187	187	1154,1206	1485 C60
3205.	73	463	602	603	1331,1447	2648 C210
3206.	74	119	328,336 401,416	416	328,337 401,2639	
3207.	74	361,473				
3207.(Sub)			574	574,2183	1161,1856 1958,2098 2302,2367	2650 C286
3208.	74					
3209.	74	451				
3210.	74					
3211.	74	326	647	647	2639	
3212.	74					
3213.	74					
3214.	74	119	193,300	301,1154	193,1235 1321	1990 C92
3215.	74	189	294	294	2639	
3216.	74					
3217.	75					
3218.	75					
3219.	77	473				
3220.	77	302				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3220.(Sub)			446	446	1780,2059 2073,2118	2650 C300
3221.	77	346				
3221.(Sub)			638	638	2639	
3222.	78					
3223.	78					
3224	78	473				
3225.	78	128	170	170,1937	2031,2058	2650 C301
3226.	78					
3227.	78					
3228.	78	178				
3228.(Sub)			328 354,370	371	329 355,2639	
3229.	78					
3230.	78	302	376	379,2621	2476 2493,2508 2632,2636	2652 C352
3231.	78				97	
3232.	78					
3233.	79	191	322	322	1407,1912 2059,2639	
3234.	79	158 191,504	828	828	2639	
3235.	79	393				
3235.(Sub)			716	717,2378	1910,2060 2199,2377 2577,2626	2652 C349
3236.	79	178	314,319	320	314,1859 2025	2651 C310
3237.	79					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3238.	79	302,372				
3238.(Sub)			516	516	2639	
3239.	79					
3240.	79	303				
3240.(Sub)			352	352	1046 1086	1218 C35
3241.	80					
3242.	80					
3243.	80	291				
3243.(Sub)			352	352	2639	
3244.	80					
3245.	80					
3246.	80					
3247.	80					
3248.	80	408				
3249.	80	189	318	318,1859	1921,2058	2721 VETOED
3250.	80					
3251.	81	474				
3251.(Sub)			736,740	740	736,2639	
3252.	81	414				
3252.(Sub)			562	562	2639	
3253.	81					
3254.	81	230				
3254.(Sub)			351	2192,2492	1128,1915 2026,2124 2302,2367	2651 C303

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3255.	81	408				
3255.(Sub)			893	894	2639	
3256.	81					
3257.	83					
3258.	83					
3259.	83	230	715	715	2639	
3260.	83					
3261.	84	504				
3261.(Sub)			793,795	795 2498	794,1943 2305,2366 2632,2636	2722 PV C360
3262.	84	504				
3262.(Sub)			575,576	576,1945	2031 2058	2650 C284
3263.	84	438				
3264.	84					
3265.	84	295,333				
3265.(2nd Sub)		474	930,935		931,947	
3266.	84	457				
3266.(Sub)			560	561	2639	
3267.	84	315	380	380,1948	2031,2058	2651 C302
3268.	84					
3269.	84					
3270.	84	151	218	218	945,956	1038 C13
3271.	85	361				
3272.	85				117	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3273.	85	230	321,353 391,400	400	117,322 354,1235 1321	1919 C89
3274.	85					
3275.	85	408				
3276.	85	303,361				
3276.(Sub)			534,536	537	534,2639	
3277.	85					
3278.	85	163,457	727	727	2639	
3279.	85	393				
3279.(Sub)			602 609,612	612,1364	602,611 1447,1486	2653 C441
3280.	85	324			947	
3281.	86					
3282.	86	308	791	791	1763,1920	2722 VETOED
3283.	86	504				
3283.(Sub)			791	791,1892	1921 2058	2653 C449
3284.	86					
3285.	86					
3286.	86	128	174	174	2639	
3287.	86	330	447	447	2639	
3288.	86					
3289.	91	315				
3290.	91	421				
3290.(Sub)			786	788	788	
3291.	91					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3292.	91	217				
3293.	91	504				
3294.	91	504				
3294.(Sub)			723	723	2639	
3295.	91	463				
3296.	91	215				
3297.	91				156	
3298.	91	414	517	517	1331,1447	2648 C196
3299.	91					
3300.	91					
3301.	92					
3302.	92	458				
3302.(Sub)			575	575,1374	1447 1486	2649 C223
3303.	92	337			655	
3304.	92					
3305.	92	474				
3305.(Sub)			794	794,1949	2031 2058	2653 C450
3306.	92	438				
3306.(Sub)			700	701	2639	
3307.	92	474				
3307.(Sub)			904	905,1957	1950,2071 2118	2652 C359
3308.	92					
3309.	92	316				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3309.(Sub)			457	457,1172	1235 1321	1919 C91
3310.	92	394				
3310.(Sub)			551	551	1789,2019 2427,2438 2573	
3311.	93				156	
3312.	93	449	576	576	1030 1042	1176 C33
3313.	93	449			947	
3314.	93	383	502	502,1887	1921 2058	2653 C438
3315.	93					
3316.	93	474			97	
3317.	93	474				
3317.(Sub)			779	781	2639	
3318.	93					
3319.	93	383	655	655	562,1154 1206	1485 C69
3320.	93	361				
3320.(Sub)			489,490	498	490,2639	
3321.	94					
3322.	94	176	320	320	1154 1206	1485 C61
3323.	94	397	742,747 778		742,747 779,947	
3324.	94	217				
3325.	94	191	327	327,1901	1921 2058	2652 C363
3326.	94	192	329	329	1763 1920	2651 C306

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3327.	98					
3328.	99					
3329.	99					
3330.	99					
3331.	99	158				
3331.(Sub)			327	327	2639	
3332.	99	365				
3332.(Sub)			430	430.1376	1447.1486	2651 C278
3333.	99	348				
3333.(Sub)			556,559	559,2044	557,2073 2118	2723 PV C472
3334.	99					
3335.	99					
3336.	99					
3337.	99	215	350	350	1447 1486	2648 C197
3338.	99					
3339.	100	422	517	517	2639	
3340.	100	340				
3340.(Sub)			636	636	2639	
3341.	100	291				
3342.	100	303				
3342.(Sub)			381	381.1372	1447 1486	2118 C146
3343.	100					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3344.	100					
3345.	100	458				
3345.(Sub)			816	816	2639	
3346.	100	504				
3346.(Sub)			814	815,1960	2071 2118	2652 C365
3347.	100	505				
3347.(Sub)			899	899	2639	
3348.	100					
3349.	100					
3350.	100	463				
3350.(Sub)			715	715	1154 1206	1485 C58
3351.	101				384	
3352.	101	215,475	603	603	2639	
3353.	101	308	772	773,774		
3354.	101	217				
3354.(Sub)			518	519	2577 2626	2724 PV C368
3355.	101	438			189	
3355.(Sub)			900	900	2639	
3356.	101	422				
3356.(Sub)			806	806,1961	2071 2118	2652 C369
3357.	101	164,458	727	727	1790,2059 2073,2118	2652 C362
3358.	103	505				
3359.	103					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3360.	103					
3361.	103	151				
3361.(Sub)			236	236,1120	1148 1177	1485 C56
3362.	103					
3363.	103	230	351	351	1154 1206	1485 C53
3364.	103	505				
3365.	104					
3366.	104					
3367.	104	340				
3367.(Sub)			677	679,2365	1856,2019 2112,2501 2637	2724 PV C367
3368.	104	178	233	233	956,1043	1175 C28
3369.	104	422				
3369.(Sub)			625	625	2639	
3370.	104	362			649	
3371.	104					
3372.	104					
3373.	104	341	486	486,1376	1447 1486	2649 C215
3374.	104	373	487	487	1331 1447	2650 C240
3375.	104					
3376.	104	332				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3376.(Sub)			369	370,2450	1205,2031 2032,2199 2227,2449 2501,2637	2725 PV C370
3377.	105	475				
3378.	105	371				
3378.(Sub)			546	546,547	546	
3379.	105	326,505				
3379.(Sub)			642	642	2639	
3380.	105					
3381.	105					
3382.	105					
3383.	105					
3384.	105	505				
3384.(Sub)			925,926	926,2485	925,1478 1915,2127 2190,2373 2376,2455 2458,2632 2636	2725 PV C458
3385.	105					
3386.	106	346				
3386.(Sub)			527	527,1861	1921 2058	2652 C366
3387.	106	346				
3387.(Sub)			468	468	1331,1447	2650 C250
3388.	121	475				
3388.(Sub)			577	577	1790,2059 2073,2118	2650 C251
3389.	121					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3390.	121	475			332	
3390.(Sub)			868	868,2362	1801,2060 2112,2501 2637	2652 C361
3391.	122					
3392.	122	341				
3392.(Sub)			469	469	2639	
3393.	122	231	351	351	1331 1447	2117 C186
3394.	122					
3395.	122					
3396.	122					
3397.	122	297	522	522	2639	
3398.	122	331				
3398.(Sub)			519	519	1101 1177	1486 C72
3399.	122					
3400.	122	215	416	416,2451	1951,2060 2229,2451 2501,2637	2725 PV C459
3401.	122	374	517	517,1394	1447 1486	2117 C173
3402.	123					
3403.	123					
3404.	123					
3405.	123	406	650	650	338,2639	
3406.	123	149	184	185	1086 1095	1378 C43
3407.	123	192				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3407.(Sub)			317	318	1086,1095	1378 C40
3408.	123	149	222	222	1086 1095	1378 C41
3409.	123	165	233	233	1086 1095	1378 C42
3410.	123	386				
3411.	123					
3412.	124	348,463	577	577	2639	
3413.	124	386,475				
3413.(Sub)			894	895	2639	
3414.	124	475			436	
3414.(Sub)			578	578	2639	
3415.	124	231	329	329,1395	1447 1486	2649 C224
3416.	124	383				
3416.(Sub)			597	599	2639	
3417.	124					
3418.	124	475	821 823,827	827	822 825,2639	
3419.	124	505				
3419.(Sub)			920	920	2639	
3420.	124	308	520	520,1964	2071 2118	2651 C319
3421.	124	476			947	
3422.	128					
3423.	128					
3424.	128					
3425.	128					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3426.	128	394	525	525,2461	2501 2637	2651 C314
3427.	128	297	522	522	1859 2025	2653 C364
3428.	129					
3429.	129					
3430.	129	386			947	
3431.	129	387				
3431.(Sub)			534	534	2639	
3432.	129					
3433.	129					
3434.	129	476	782	783	2639	
3435.	129	422				
3436.	129	394	769	769	1331 1447	2650 C252
3437.	129					
3438.	129	192				
3438. (Sub)			399	399,2018	1174,1475 2071,2073 2118	2651 C308
3439.	130	371				
3439.(Sub)			716	716	2639	
3440.	130					
3441.	130					
3442.	130	362,476				
3442.(Sub)			578	578,1922	2031 2058	2651 C312
3443.	130					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3444.	130	476	738	739	2639	
3445.	130	348	902	902,1965	2071 2118	2650 C253
3446.	130					
3447.	130	438				
3447.(Sub)			773		773,941	
3448.	130	476				
3448.(Sub)			844	844	2031,2639	
3449.	130	414,506			947	
3450.	131	422				
3450.(Sub)			742 753,927	930,1365	747,754 756,925 1447,1486	2653 C428
3451.	131					
3452.	131	394				
3452.(Sub)			600	600	2639	
3453.	131	303				
3454.	131					
3455.	131					
3456.	131	316	484	484,1967	2071 2118	2653 C371
3457.	131					
3458.	131	331				
3458.(Sub)			520	520	2639	
3459.	131	316				
3459.(Sub)			467	467	2639	
3460.	131	374	489	489	2640	
3461.	131					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3462.	151					
3463.	151				189	
3464.	151					
3465.	151					
3466.	151					
3467.	152	316	467	467	1331 1447	2117 C187
3468.	152	303				
3468.(Sub)			637	637,1969	2071 2118	2651 C293
3469.	152	506				
3469.(Sub)			701	701	2640	
3470.	152					
3471.	152	308			770	
3472.	152	349				
3473.	152					
3474.	152					
3475.	152	331				
3476.	152					
3477.	152					
3478.	153	506				
3478.(Sub)			805,822	805,822	805,2640	
3479.	153	422			947	
3480.	153					
3481.	153					
3482.	153	394				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3483.	153					
3484.	153					
3485.	153	349				
3486.	153	414	537	537	1331 1447	2117 C172
3487.	153	303				
3488.	153					
3489.	154					
3490.	154					
3491.	154					
3492.	154				332	
3493.	154				228	
3494.	154	397	579	582	1331 1447	2117 C170
3495.	154					
3496.	154					
3497.	154	476	925	925		
3498.	154	439				
3498.(Sub)			582	582	1803,2060 2640	
3499.	154				364	
3500.	155	349				
3500.(Sub)			654	654,2450	1807,1857 2060,2230 2450,2501 2637	2653 C376
3501.	155					
3502.	155					
3503.	155	423,506				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3503.(2nd Sub)			583	583	583	
3504.	155					
3505.	155					
3506.	159					
3507.	159	477			947	
3508.	159					
3509.	159					
3510.	159	439				
3510. (Sub)			719,723	724	722,2640	
3511.	159					
3512.	159					
3513.	160					
3514.	160	506				
3514. (Sub)			845	845	2640	
3515.	160					
3516.	160	506				
3516.(Sub)			806,825	825 2373	807,1478 1916,2026 2231,2372 2577,2627	2653 C379
3517.	160	507			770	
3517.(Sub)			897	898	2640	
3518.	160	371				
3518.(Sub)			722	722	2640	
3519.	160					
3520.	160	449				
3520.(Sub)			906	906	2640	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3521.	161					
3522.	161					
3523.	161					
3524.	161					
3525.	161	217	311	311	2640	
3526.	161	477			947	
3527.	161	316	443	443	2640	
3528.	161					
3529.	161					
3530.	161					
3531.	162					
3532.	162					
3533.	162					
3534.	162	458	790	790	2640	
3535.	162	423	807	808	2640	
3536.	162	383				
3536.(Sub)			443	443,1161	1235 1321	1919 C95
3537.	162					
3538.	166	397	583	584	1154 1206	1485 C46
3539.	166	346,394				
3540.	166	341				
3540.(Sub)			490	490,1969	2071 2118	2651 C320
3541.	166	341				
3541.(Sub)			902	902	1816	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3542.	166					
3543.	166					
3544.	166	436			947	
3545.	166					
3546.	166					
3547.	167	297	368	368.1105	1148 1177	1485 C49
3548.	167					
3549.	167					
3550.	167					
3551.	167	178	218	234	219,235 312,1026 1042	1176 C32
3552.	167					
3553.	167	346				
3553.(Sub)			502	502.1406	1447 1486	2653 C377
3554.	167					
3555.	168	331	554	554	2640	
3556.	168	439				
3556.(Sub)			646	647	2640	
3557.	168					
3558.	168	437				
3558.(Sub)			704	704	2640	
3559.	168					
3560.	168					
3561.	168					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3562.	168					
3563.	168					
3564.	168					
3565.	168					
3566.	168					
3567.	169					
3568.	169	362				
3568.(Sub)			585	585	2640	
3569.	169	449,507	869	869	1322 1447	2726 PV C188
3570.	169	394	526	526	2640	
3571.	169	463				
3571.(Sub)			774	778	2640	
3572.	169	190	219	220,1106	1148 1177	1486 C57
3573.	179	439				
3574.	180	507				
3574.(Sub)			713	713	2640	
3575.	180					
3576.	180	308	402	402,499	403,1030 1042	1175 C27
3577.	180					
3578.	180					
3579.	180					
3580.	180	339				
3580.(Sub)			484	485	1487 1663	2561 C290

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3581.	180					
3582.	180					
3583.	180					
3584.	180					
3585.	180					
3586.	181					
3587.	181	437				
3587.(Sub)			585	585	2640	
3588.	181					
3589.	181					
3590.	181	507				
3590.(Sub)			783,785	785	783,2640	
3591.	181					
3592.	181	326	516	516	2640	
3593.	181	423	538	538	1322 1447	2650 C255
3594.	181	326				
3594.(Sub)			518	518	1101 1177	1486 C66
3595.	181	477				
3595.(Sub)			586	586	2640	
3596.	181	326,409	532	533,1410	1487 1663	2649 C201
3597.	182					
3598.	182	464				
3598.(Sub)			587	587	1235 1321	1919 C90
3599.	182					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3600.	182					
3601.	182	507	698	698	1763,1920	2653 C380
3602.	182	423				
3602.(Sub)			539	539	1447,1486	2650 C239
3603.	182					
3604.	182					
3605.	182					
3606.	182					
3607.	183					
3608.	183					
3609.	183					
3610.	183					
3611.	183					
3612.	183	297	431,435	436,1775	434,1773 1859,2025	2726 PV C374
3613.	183					
3614.	183					
3615.	198					
3616.	198					
3617.	198	425				
3618.	198					
3619.	198	477				
3619.(Sub)			849	849	2640	
3620.	198					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3621.	198	326				
3621.(Sub)			722,724	725	723,2640	
3622.	199					
3623.	199					
3624.	199	333	482	482	1235,1321	1919 C96
3625.	199	397	539	539	1859,2025	2651 C313
3626.	199					
3627.	199	464	921	923,1367	1447,1486	2651 C285
3628.	199					
3629.	199	423				
3630.	199	387				
3630.(Sub)			587	587,2624	1818,2069 2508,2632 2636	2653 C381
3631.	199					
3632.	199					
3633.	199					
3634.	200					
3635.	200					
3636.	200					
3637.	200					
3638.	200					
3639.	200					
3640.	200					
3641.	200					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3642.	200					
3643.	200					
3644.	200					
3645.	200					
3646.	200					
3647.	200					
3648.	201					
3649.	201					
3650.	201					
3651.	201		2664		2664.2701	
3652.	201		2664		2664.2701	
3653.	201					
3654.	201	1545			1546	
					1627.2241	
					2300.2508	
			1626	1628	2632	2653
3654.(Sub)			1628	2568	2636	C373
3655.	201					
3656.	201	1138				
					2324.2380	
					2421.2577	
			1139.2381	1146	2620.2626	
3656.(Sub)			2423	2426	2646	
						2727
					2673	PV
3656.(2nd Sub)		2454	2454	2457	2681	C6 E1
3657.	201	1138	1139			
3658.	201					
3659.	201	507				
3659.(Sub)			697	697		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3660.	201					
3661.	201					
3662.	201					
3663.	202					
3664.	202					
3665.	202					
3666.	202					
3667.	202					
3668.	202					
3669.	202					
3670.	202					
3671.	202					
3672.	202					
3673.	202					
3674.	202					
3675.	202					
3676.	202					
3677.	203					
3678.	203	2361	2361			
3678.(Sub)			2363	2364 2625	2632 2636	2729 PV C190
3679.	203	1899				
3679.(Sub)			1899,1901 2361	1903 2087	1899,2086 2300	
3679.(2nd Sub)		2361	2363 2494	2494,2495 2674	2363,2673 2680,2701	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3680.	203					
3681.	203					
3682.	203					
3683.	203					
3684.	203	507				
3684.(Sub)			588,590	590	589,1972 2088,2119 2194	2729 PV C375
3685.	203					
3686.	203					
3687.	203					
3688.	203					
3689.	203					
3690.	203					
3691.	203					
3692.	204					
3693.	204					
3694.	204					
3695.	204					
3696.	204	397				
3696.(Sub)			553	554	2640	
3697.	204					
3698.	204					
3699.	204					
3700.	204					
3701.	204					
3702.	204					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3703.	204					
3704.	204					
3705.	204					
3706.	205					
3707.	205					
3708.	205					
3709.	205					
3710.	205					
3711.	205					
3712.	205	1958	1958			
3712.(Sub)			2177,2178	2178	2177,2640	
3713.	205					
3714.	205					
3715.	205					
3716.	205					
3717.	205	408				
3717.(Sub)			594,633 639	639	597,636 1845,2059 2640	
3718.	205					
3719.	205					
3720.	205					
3721.	206					
3722.	206					
3723.	206	508				
3723.(Sub)			829	830	1447,1486	2650 C272

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3724.	206					
3725.	206					
3726.	206					
3727.	206					
3728.	206					
3729.	206					
3730.	206					
3731.	206					
3732.	206					
3733.	206					
3734.	206					
3735.	207					
3736.	207					
3737.	207					
3738.	207					
3739.	207					
3740.	207	458				
3740.(Sub)			629	629	2640	
3741.	207					
3742.	207	477			947	
3743.	207					
3744.	207					
3745.	207					
3746.	207					
3747.	207					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3748.	207					
3749.	207					
3750.	208					
3751.	208					
3752.	208					
3753.	208					
3754.	208					
3755.	208					
3756.	208	464				
3756.(Sub)			630	630	2640	
3757.	208					
3758.	208					
3759.	208					
3760.	208					
3761.	208					
3762.	209	508	748	751,1974	2071,2118	2650 C233
3763.	209					
3764.	209	439,1473	1474			
3764.(2nd Sub)			1777	1778	2640	
3765.	209	449	562	562,1978	2071,2118	2653 C445
3766.	209					
3767.	209					
3768.	209	458	631	631	2640	
3769.	209					
3770.	209					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3771.	209					
3772.	209					
3773.	210					
3774.	210				323	
3775.	210	451				
3775.(Sub)			802,816	820	804,2640	
3776.	210	398				
3776.(Sub)			540	540,1888	1921,2058	2651 C317
3777.	210	459			947	
3778.	210	316				
3778.(Sub)			434	434	2640	
3779.	210					
3780.	210					
3781.	210	316				
3781.(Sub)			338	338	528,549	641 C4
3782.	211	477	847	847	1154,1206	1486 C62
3783.	211	409			649	
3784.	211	406				
3785.	211					
3786.	211	477				
3786.(Sub)			593	593,1960	2071,2118	2653 C382
3787.	211					
3788.	211	478				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3789.	211	508				
3790.	211	508				
3790.(Sub)			700		700,947	
3791.	211					
3792.	212	449				
3792.(Sub)			563	563,1982	2071,2118	2652 C305
3793.	212	362				
3794.	212	407	770	770	1447,1486	2649 C200
3795.	212	398				
3796.	212	374				
3797.	212	508				
3797.(Sub)			703	703,2054	2073,2118	2653 C378
3798.	212	372				
3798.(Sub)			418	419		
3799.	212	478,508				
3799.(Sub)			691	691,2478	2632 2636	2730 PV C383
3800.	212	423	804	804	323,1447 1486	2730 PV C469
3801.	213					
3802.	213				1775	
3803.	213					
3804.	213	464	711,736	737	712,1763 1920	2652 C321
3805.	213				332	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3806.	213	509			947	
3807.	213					
3808.	213	478				
3808.(Sub)			692	692	2640	
3809.	213					
3810.	214					
3811.	223					
3812.	223	309	646	646,2185	1820,2019 2101,2302 2367	2652 C316
3813.	223	414				
3814.	223	349				
3814.(Sub)			547	547	2640	
3815.	223					
3816.	223					
3817.	223					
3818.	223	451	631	631	1447,1486	2648 C192
3819.	223					
3820.	223					
3821.	223					
3822.	224	459				
3822.(Sub)			632	632	632,2640	
3823.	224					
3824.	224					
3825.	224					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3826.	224	509	632	632	1101,1177	1486 C71
3827.	224	309,333 459				
3827.(2nd Sub)			872,887 931	886,888 935	888,931 1377	
3827.(3rd Sub)		2078	2078,2692 2693	2692 2697		
3828.	224	331,425				
3828.(2nd Sub)			646,668		646,1763 1920	2730 PV C457
3829.	224	464	895	895,1985	2071,2118	2652 C322
3830.	224	464	710	711	1763,1920	2650 C254
3831.	224					
3832.	225					
3833.	225					
3834.	225					
3835.	225					
3836.	225					
3837.	225	439				
3837.(Sub)			642,687	643,687	643,2640	
3838.	225					
3839.	225					
3940.	225					
3841.	225					
3842.	225	398				
3843.	226	478			770,947	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3844.	226					
3845.	226					
3846.	226	395	604	604	1447,1487	2649 C214
3847.	226					
3848.	226					
3849.	226					
3850.	226					
3851.	226	409	537	537,1985	2071,2118	2652 C323
3852.	226	398	540	540,1986	2071,2118	2651 C294
3853.	227					
3854.	227	398	529	529,1862	1921,2058	2650 C273
3855.	227					
3856.	227	439				
3856.(Sub)			650,651	651,1992	650,2071 2118	2731 PV C470
3857.	227					
3858.	227					
3859.	227					
3860.	227					
3861.	227					
3862.	227					
3863.	227					
3864.	228					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3865.	239					
3866.	239					
3867.	239					
3868.	239					
3869.	239					
3870.	239					
3871.	240					
3872.	240	464			649	
3873.	240					
3874.	240	465	867	867		
3875.	240					
3876.	240					
3877.	240	465			562	
3877.(Sub)			683,686	686,2077	685	
3878.	240					
3879.	240					
3880.	240					
3881.	240					
3882.	241	452				
3882.(Sub)			741	741,1889	1921,2058	2651 C295
3883.	241					
3884.	241					
3885.	241					
3886.	241					
3887.	241					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3888.	241					
3889.	241					
3890.	241					
3891.	241					
3892.	241					
3893.	242					
3894.	242	509				
3895.	242					
3896.	242					
3897.	242	409				
3897.(Sub)			699	699,1298	1331,1447	2650 C238
3898.	242	509				
3898.(Sub)			923	924,1994	2071,2119	2651 C296
3899.	242					
3900.	242					
3901.	242					
3902.	242					
3903.	242					
3904.	243	509				
3904.(Sub)			622	622,1994	2071,2119	2651 C297
3905.	243					
3906.	243	452	641	641,2057	2073,2118	2650 C235
3907.	243	440	564	564	2640	
3908.	243					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3909.	243					
3910.	243	326	641	642	2640	
3911.	243	509			332	
3911.(Sub)			834	835,1995	2071,2119	2653 C386
3912.	243					
3913.	243	478			947	
3914.	243					
3915.	243					
3916.	244	409			947	
3917.	244					
3918.	244					
3919.	244					
3920.	244	1033				
3920.(Sub)			1161	1164 2003	2071 2119	2731 PV C460
3921.	244					
3922.	244					
3923.	244					
3924.	244					
3925.	244					
3926.	244					
3927.	244	1033				
3927.(Sub)			1165,1897	1166,1247 1897,1898 2177,2485 2627	1166,1247 1904 2622	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3928.	244					
3929.	245	423			947	
3930.	245					
3931.	245					
3932.	245	478			947	
3933.	245					
3934.	245					
3935.	245					
3936.	245					
3937.	245					
3938.	245					
3939.	245					
3940.	245					
3941.	245					
3942.	245		2642 2659	2663	2646,2682 2702	2735 C1E1
3943.	246					
3944.	246					
3945.	246					
3946.	246					
3947.	246					
3948.	246					
3949.	246					
3950.	246					
3951.	246	509				
3951.(Sub)			809	809,1860	1921,2058	2650 C241

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3952.	246					
3953.	246					
3954.	246					
3955.	246					
3956.	246					
3957.	247					
3958.	247					
3959.	247					
3960.	247					
3961.	247					
3962.	247					
3963.	247					
3964.	247					
3965.	247					
3966.	247					
3967.	247					
3968.	247					
3969.	247					
3970.	247					
3971.	248	479			947	
3972.	248					
3973.	248					
3074.	248					
3975.	248					
3976.	248					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3977.	248					
3978.	248					
3979.	248	479				
3980.	248					
3981.	248	479				
3981.(Sub)			865	865	1447.1487	2732 VETOED
3982.	248					
3983.	248					
3984.	248					
3985.	249					
3986.	249					
3987.	249					
3988.	249					
3989.	249	479				
3989.(Sub)			703	703	1101,1177	1486 C54
3990.	249					
3991.	249					
3992.	249					
3993.	249					
3994.	249					
3995.	249					
3996.	249					
3997.	249					
3998.	249					
3999.	249					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4000.	250					
4001.	250					
4002.	250					
4003.	250					
4004.	250					
4005.	250	395				
4006.	250					
4007.	250					
4008.	250					
4009.	250					
4010.	250					
4011.	250					
4012.	250					
4013.	250					
4014.	251					
4015.	251					
4016.	251					
4017.	251					
4018.	251					
4019.	251					
4020.	251					
4021.	251					
4022.	251					
4023.	251					
4024.	251					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4025.	251					
4026.	251				339	
4027.	251	395				
4028.	252					
4029.	252					
4030.	252	452,510			947	
4031.	252					
4032.	252					
4033.	252					
4034.	252					
4035.	252					
4036.	252					
4037.	252					
4038.	252	510				
4039.	252	440				
4040.	252	395				
4041.	252	449				
4041.(Sub)			564	564,2004	2072,2119	2650 C256
4042.	253					
4043.	253					
4044.	253					
4045.	253					
4046.	253					
4047.	253					
4048.	253					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4049.	253					
4050.	253					
4051.	253					
4052.	253					
4053.	253					
4054.	253					
4055.	253					
4056.	253					
4057.	254					
4058.	254					
4059.	254	479				
4059.(Sub)			764	768	1447.1487	2650 C257
4060.	254					
4061.	254					
4062.	254					
4063.	254					
4064.	254					
4065.	254					
4066.	254					
4067.	254					
4068.	254					
4069.	254					
4070.	254					
4071.	255					
4072.	255					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4073.	255					
4074.	255					
4075.	255					
4076.	255					
4077.	255					
4078.	255					
4079.	255					
4080.	255					
4081.	255					
4082.	255					
4083.	255					
4084.	255					
4085.	256					
4086.	256					
4087.	256					
4088.	256					
4089.	256					
4090.	256					
4091.	256					
4092.	256					
4093.	256					
4094.	256					
4095.	256					
4096.	256					
4097.	256					
4098.	256					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4099.	257					
4100.	257	465				
4100.(Sub)			871	871	2640	
4101.	257					
4102.	257					
4103.	257					
4104.	257					
4105.	257	395				
4105.(Sub)			672.733 843	844	675.734 1447.1487	2649 C207
4106.	257					
4107.	257	479				
4107.(Sub)			794	795.2005	2072.2119	2653 C447
4108.	257					
4109.	257	479				
4109.(Sub)			820	821	2640	
4110.	257	437	831	832	1447.1487	2649 C225
4111.	258					
4112.	258					
4113.	258	383	535	535	2640	
4114.	258	480				
4114.(Sub)			906	907.1483	1663.1762	2117 C171
4115.	258	440	643	643	1859.2025	2654 C439
4116.	258					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4117.	258					
4118.	258	425				
4118.(Sub)			605	605	2640	
4119.	258	452				
4119.(Sub)			833	833	2640	
4120.	258					
4121.	258	349	499	500	1030,1042	1175 C26
4122.	259	374	501	501	1030,1042	1175 C25
4123.	259					
4124.	259					
4125.	259					
4126.	259	510			947	
4127.	259	395	526	527,1330	1447,1487	2649 C226
4128.	259	383				
4128.(Sub)			541	541	1385,1912 2060,2640	
4129.	259	374	565	565,1954	1385 2031,2058	2651 C298
4130.	259					
4131.	259					
4132.	260					
4133.	260					
4134.	260	309			947	
4135.	260					
4136.	260	383,459				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4136.(Sub)			687	687	2640	
4137.	260					
4138.	261	424				
4138.(Sub)			541	541	1101,1127	1486 C55
4139.	261					
4140.	261	395	606,613	608,613 614,2007	608,2072 2119	2653 C384
4141.	261	510				
4141.(Sub)			675,788	675,788	675,2640	
4142.	261	395	832	832,2380	1832,2019 2234,2379 2577,2627	2653 C385
4143.	261	440	866	866	1154,1206	1486 C59
4144.	261	456			770	
4145.	261					
4146.	261	424,1473	1474,1779	1779	2635,2638	2652 C307
4147.	261				413	
4148.	261					
4149.	262					
4150.	262	510				
4151.	262	374				
4152.	262	480	702	702,1411	1487,1663	2648 C198
4153.	262	374,480	728	728	2640	
4154.	262					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4155.	262	375	501	501,2011	2072,2119	2653 C389
4156.	262					
4157.	262	510				
4158.	262					
4159.	262					
4160.	263					
4161.	263					
4162.	263					
4163.	263					
4164.	263					
4165.	263	459				
4166.	263					
4167.	263					
4168.	263	511	691	691	2640	
4169.	263	395	542	542	1030,1042	1175 C29
4170.	263					
4171.	264					
4172.	264					
4173.	264					
4174.	264					
4175.	264					
4176.	264					
4177.	264	440			947	
4178.	264					
4179.	264					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4180.	264					
4181.	264	395			770	
4182.	264					
4183.	265					
4184.	265					
4185.	265	375	528	529,1885	1921 2058	2653 C390
4186.	265					
4187.	265					
4188.	265					
4189.	265	1760				
4189.(Sub)			1892	1892	2302,2367	2652 C315
4190.	265	440				
4190.(Sub)			566	566	1487,1663	2649 C209
4191.	266	1761			1887	
4192.	266					
4193.	266					
4194.	266					
4195.	266	441				
4195.(Sub)			656	664	664,2640	
4196.	266	441				
					1911,2027 2438,2444 2496,2497	
4196.(Sub)			643 2666	644,2665 2672	2628,2647 2682	2735 C5E1
4197.	266					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4198.	266					
4199.	266					
4200.	267	459				
4201.	267					
4202.	267					
4203.	267					
4204.	267					
4205.	267					
4206.	267	511	773	773,2013	2072,2119	2652 C324
4207.	267	480				
4208.	267	480				
4208.(Sub)			870	870	2640	2653 C387
4209.	267	441				
4209.(Sub)			763	763,2073	1833,2301 2302,2367	
4210.	267	375				
4211.	268	396				
4211.(Sub)			649	649	2640	
4212.	268	387	538	538	2640	
4213.	268	387				
4213.(Sub)			644	644	2640	
4214.	268	349			770	
4215.	268					
4216.	268	465	676	676	1487,1663	2649 C202

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4217.	268					
4218.	268					
4219.	268					
4220.	268	349				
4221.	269					
4222.	269					
4223.	269					
4224.	269					
4225.	269					
4226.	269					
4227.	269	480	589	589,1324	1447,1487	2649 C216
4228.	269	511				
4228.(Sub)			908	919 2174	2025 2302 2367	2732 PV C471
4229.	269	424				
4229.(Sub)			558	558	1101,1177	1486 C50
4230.	269					
4231.	270	450				
4231.(Sub)			675	675,2459	1834,2062 2118,2360 2459,2577 2627	2654 C464
4232.	270	384				
4233.	270					
4234.	270	407	542	542	2640	
4235.	270					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4236.	270	450	677	677	1487,1663	2648 C199
4237.	270					
4238.	270					
4239.	270					
4240.	270	465				
4241.	271	450				
4241.(Sub)			870	870	1846,2028 2234,2241 2634,2640	
4242.	271	362				
4243.	271	372,481			947	
4244.	271					
4245.	271					
4246.	271					
4247.	271					
4248.	271					
4249.	271					
4250.	272					
4251.	272					
4252.	272					
4253.	272					
4254.	272					
4255.	272	511				
4255.(Sub)			692	692	2640	
4256.	272					
4257.	272					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4258.	272					
4259.	272	459	783	785	1487,1663	2649 C203
4260.	273					
4261.	273				338	
4262.	273	481	682	682	2640	
4263.	273	409				
4263.(Sub)			566	566,2075	2119 2195	2654 C440
4264.	273					
4265.	273					
4266.	273	398	543	543,1106	1148,1177	1486 C67
4267.	273	481				
4267.(Sub)			698	698,2103	2072 2119	2733 PV C432
4268.	273	511			947	
4269.	273					
4270.	274	511				
4270.(Sub)			809		809,947	
4271.	274					
4272.	274					
4273.	274					
4274.	274					
4275.	274					
4276.	274					
4277.	274					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4278.	274	346	702	702	1763,1920	2653 C391
4279.	274					
4280.	274					
4281.	274	410				
4281.(Sub)			543	543	2641	
4282.	275					
4283.	275					
4284.	275					
4285.	275					
4286.	275	441	652	653	2641	
4287.	275					
4288.	275	441	769	769	1859,2025	2651 C299
4289.	275					
4290.	275					
4291.	275	415	567	567	2641	
4292.	275					
4293.	275	441				
4294.	276	426				
4294.(Sub)			567	567	1487,1663	2649 C227
4295.	276					
4296.	276					
4297.	276					
4298.	276					
4299.	276					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4300.	276					
4301.	276					
4302.	276	460	685	686,2055	2073,2118	2654 C426
4303.	276					
4304.	276					
4305.	277	460				
4305.(Sub)			733	733	2641	
4306.	277					
4307.	277					
4308.	277	407				
4308.(Sub)			785	785	1847	
4309.	277				338,413	
4310.	277				338,413	
4311.	277				338,413	
4312.	277					
4313.	277	460				
4314.	277	387				
4314.(Sub)			544	544	1487,1663	2649 C208
4315.	278	512				
4315.(Sub)			771	772	2641	
4316.	278					
4317.	278					
4318.	278					
4319.	278					
4320.	278	512				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4320.(Sub)			786,789	789	786,2641	
4321.	278	512			947	
4322.	278					
4323.	278					
4324.	279					
4325.	279					
4326.	279					
4327.	279					
4328.	279					
4329.	279				332,338	
4330.	279					
4331.	279					
4332.	279					
4333.	279					
4334.	279					
4335.	279					
4336.	280					
4337.	280				436	
4338.	280					
4339.	280					
4340.	280					
4341.	280					
4342.	280					
4343.	280					
4344.	280					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4345.	280					
4346.	280					
4347.	280					
4348.	280					
4349.	280					
4350.	281					
4351.	281					
4352.	281					
4353.	281					
4354.	281					
4355.	281					
4356.	281					
4357.	281					
4358.	281	452				
4358.(Sub)			800	800	1763,1920	2652 C325
4359.	281					
4360.	281					
4361.	281	512				
4361.(Sub)			790	790,2046	2073,2118	2651 C291
4362.	281					
4363.	281					
4364.	282					
4365.	282					
4366.	282					
4367.	282					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4368.	282					
4369.	282					
4370.	282					
4371.	282					
4372.	282					
4373.	282					
4374.	282					
4375.	282					
4376.	282					
4377.	282					
4378.	283					
4379.	283					
4380.	283					
4381.	283					
4382.	283					
4383.	283					
4384.	283					
4385.	283					
4386.	283	424				
4386.(Sub)			544	544.2014	2072.2119	2653 C392
4387.	283					
4388.	283					
4389.	283					
4390.	283					
4391.	283					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4392.	284					
4393.	284					
4394.	284					
4395.	284					
4396.	284					
4397.	284					
4398.	284					
4399.	284	512				
4399.(Sub)			801	801,2016	2072,2119	2734 PV C388
4400.	284					
4401.	284					
4402.	284					
4403.	284					
4404.	284					
4405.	284					
4406.	284					
4407.	285					
4408.	285					
4409.	285					
4410.	285					
4411.	285					
4412.	285					
4413.	285					
4414.	285					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4415.	285					
4416.	285					
4417.	285					
4418.	285					
4419.	285					
4420.	285	481			770	
4421.	286					
4422.	286					
4423.	286					
4424.	286	410				
4424.(Sub)			545	545 2325	1156,1916 2027,2187 2501,2637	2734 PV C435
4425.	286					
4426.	286					
4427.	286					
4428.	286					
4429.	286					
4430.	286					
4431.	286					
4432.	286					
4433.	286					
4434.	286					
4435.	286					
4436.	287					
4437.	287					
4438.	287					

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NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4439.	287					
4440.	287					
4441.	287					

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## HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
101.	75	119	312	312	2641	
102.	75	158	294	294,1770	1859,2025	
103.	86		488		469,554	
104.	101	387				
104.(Sub)			624	625	1763,1920	
105.	125	452,470	483	483	2641	
106.	125	470	483	483	2641	
107.	132	309	568	568	1101,1177	
108.	155	178	299	299	1101,1178	
109.	155	304	693	693,2017	2072,2119	
110.	162	426	728	728	1763,1920	
111.	162	481	734	734	1763,1920	
112.	163	481	735	735	2641	
113.	214	350	645	645	2641	
114.	228					
115.	228					
116.	287					
117.	287	512				
117.(Sub)			812	812	2641	
118.	287					
119.	287	399	637	637	1859,2025	
120.	287	460			947	
121.	288	415				
121.(Sub)			548	548	1101,1178	
122.	288	481	813	813	2641	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
123. ....	288	453				
124. ....	288					
125. ....	288	399				
126. ....	288					
127. ....	288	482	699	699	1447,1487	
128. ....	288	412	413,430	430	466,514	
129. ....	288					
130. ....	288					

## HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
101.	21	231				
102.	81					
103.	87	159				
					389,456	
					556,1917	
			388,455		2019,2372	
103. (Sub)			555	555,640	2641	
104.	94					
105.	101	331			835	
106.	132					
107.	155	165			300	
108.	103					
109.	169	453			947	
110.	169					
111.	183					
112.	183					
113.	214					
114.	214					
115.	214					
116.	214					
117.	214					
118.	214	513				
119.	228					
120.	228					
121.	288					
122.	288					
123.	289					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
124.	289	350				
124.(Sub)			500	500	2641	
125.	289					
126.	289					
127.	289					
128.	289					
129.	289					
130.	289					

## HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
101.	21		21	21	59,69	
102.	8		8	9	9,14,28	
103.	34		34,68	68	2641	
104.	34					
105.	34		34	34	69,90	
106.	81	362	693	693	2641	
107.	106		114	116	166,215	
108.	163					
109.	184		184,192	193	342,396	
110.	184	512			189	
111.	214					
112.	289					
113.	289					
114.	289	396	813	813,2461	2501,2637	
115.	290	410	548	548	2641	
116.	290				332	
117.	938					
120.	2632		2632	2632	2635,2638	
121.	2646		2646	2646	2648,2664	
122.	2700		2700	2700	2703	

## HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
1. Senators Bottiger, Fleming, Hayner, Sellar: Notifying House that Senate is organized.		8	
2. Senators Bottiger, Fleming, Hayner, Sellar: Senate Courtesies extended.		8	
3. All Members: Ferndale High School Band.		22	
4. All Members: Dr. Martin Luther King.		23	
5. Senators Goltz, Vognild, Talmadge: Senate Rules.	34	55	
6. All Members: National Blood Donor Week.		96	
7. Senators Bottiger, Hayner, Wojahn, Goltz, Sellar, Fleming, Hansen, Halsan, McDonald, McDermott, Conner, Bender, Bluechel, Stratton,, von Reichbauer, Vognild, Newhouse, Garrett, Moore, Peterson, Benitz, Williams, Bauer, Gaspard, Rinehart, McManus, DeJarnatt, Granlund, Lee, Zimmerman, Patterson, Talmadge, Kreidler, Bailey, Warnke, Owen, Saling, Guess, Rasmussen, Kiskaddon, Thompson, Pullen, Barr, Johnson: Criminal Violence.		330	
8. All Members: Justice Floyd V. Hicks honored.		125	
9. Senators DeJarnatt, Owen, Conner, Vognild: Navy Installation Base/Grays Harbor		197	
10. Senators McDermott, Goltz, Wojahn, Bauer, Fleming, Thompson, Zimmerman: Northwest Medical Team/Africa.		188	
11. All Members: Washington State Wheat for Ethopia.		237	
12. All Members: Boy Scout Week.		292	
13. All Members: Washington Chess Federation.		295	
14. Senators Gaspard, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman: League of Women Voters.		322	
15. Senators Gaspard, Wojahn, Bailey, Barr, Benitz, Cantu, Lee, Saling: Vocational/ Technical Education.		322	
16. Senators Kreidler and Halsan: Olympia High School Bears Football Team.		412	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
17. Senators Warnke, Bauer, Wojahn: Montana Day in Washington State.		391	
19. Senators Bottiger, Gaspard, Guess, Bender, Rasmussen, Bauer, Vognild, Conner, Patterson, Garrett, Cantu, Lee: National Guard and Reserve honored.		345	
20. Senators Fleming, McDermott, Wojahn, Gaspard, Sellar, Williams, Bauer, Owen, Zimmerman, Pullen, McDonald, Johnson, Metcalf, Lee, Rasmussen, Bluechel, Patterson, Garrett, Cantu: Artist Jacob Lawrence honored.		343	
21. Senators Williams, McDermott, Moore, Talmadge, Fleming, Rinehart, Wojahn, Bender: Seattleite Victor Steinbrueck honored.		363	
22. Senators Conner, Owen, Lee: Matt Dryke/Olympics/honored.		368	
23. Senators von Reichbauer, Wojahn, Rasmussen, Granlund, Johnson, Bottiger, Gaspard: Junior League of Tacoma.		364	
24. Senators Conner, Rasmussen, Guess, Garrett, Johnson: Frances Pearson honored.		2685	
26. Senators Conner, DeJarnatt, Thompson, Bauer, Vognild, Zimmerman: User Fees/Columbia River.		447	
27. Senators Halsan, Warnke, Moore, Bender, Johnson, Vognild, Goltz, Deccio, Talmadge, Conner, Kreidler, Hayner, Lee, Thompson, Stratton, Owen, Garrett, Kiskaddon, Rasmussen, Peterson, Metcalf, Zimmerman, Hansen, Barr, von Reichbauer, McDonald, Craswell, Pullen, Benitz, Guess, Patterson, Cantu, Saling, Newhouse, DeJarnatt, Sellar, McCaslin, Bauer, Bailey: National Rifle Association.		1093	
28. Senators Cantu, Gaspard, Vognild, Conner, McCaslin, Bauer, Lee: Junior Achievement recognized.		524	
29. Senators Rinehart and Lee: Girl Scouts of America.		557	
30. Senators Gaspard, Kreidler, Stratton, Saling, Rinehart, Goltz: Study Possibility of Separating Centralia/Puget Sound Community College Districts.		1234	
32. Senators Warnke and Johnson: Auburn Marching Band.		2685	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
33. Senators Cantu, Gaspard, Rasmussen, Bauer, Pullen, Lee, Conner: Mercer Island High School Basketball Team.		640	
34. Senator Halsan: Centralia High School Basketball Team.		771	
35. Senators DeJarnatt and Thompson: Mark Morris High School Basketball Team		812	
37. Senators Williams, Rasmussen, Bender, Thompson, Owen, Talmadge, McManus, Fleming, McDermott, Vognild: Declaring "Louie, Louie" Day.		681	
39. Senators Hansen, Barr, Fleming, Bailey, Zimmerman: Saluting Agricultural Industry.		835	
40. Senators Kreidler, Halsan, Johnson: Academic Decathlon Winners.		2685	
41. Senators DeJarnatt and Zimmerman: Helen Davis, composer of "Washington, My Home" honored.		1020	
42. Senators Warnke, Zimmerman, Rasmussen, Vognild, Bender, Kiskaddon, McCaslin, Bauer, Talmadge, Lee: General Motors/Locate in Washington State.		954	
44. Senators Sellar and Hansen: Cle Elum High School Women's Basketball Team.		1015	
45. All Members: Washington State University President, Glen Terrell honored.		1017	
46. Senators Fleming, McDermott, Zimmerman: Seattle's Total Experience Choir honored.		1031	
47. Senators Bauer, DeJarnatt, Guess, Thompson, Zimmerman: U.S. Corps of Engineers Robert L. Friedenwald honored.		1153	
48. Senators Gaspard, Conner, Patterson, Goltz, Bauer, Talmadge, Johnson, Zimmerman, Cantu, Pullen, Bluechel, Rasmussen, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn: Washington Scholars Program.		1241	
49. Senators Owen, Metcalf, Stratton, Zimmerman, Cantu: Arbor Day.		1150	
50. All Members: Warren G. Magnuson/80th birthday.		1320	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
51. Senators Goltz, Peterson, McDermott, Rasmussen: Sehome High School Girl's Gymnastics Team.		2069	
52. Senators Bailey, Barr, Hansen, Saling, Johnson, Bauer, Gaspard, Hayner, Zimmerman, Newhouse, Patterson, Benitz, Sellar, McCaslin, Fleming, Cantu, Talmadge: National Holstein Day.		2692	
53. Senators Craswell, Goltz, Stratton, Conner, Rasmussen, McDonald, Metcalf, Kiskaddon, Zimmerman, Owen, Moore, Patterson, Johnson, Vognild, Bender, Bauer, McManus, Cantu, Saling, DeJarnatt, Bailey, Bluechel, Lee, von Reichbauer, Sellar, Deccio, Newhouse, Benitz, McCaslin, Barr, Hansen, Hayner, Guess: Study/Unapproved Church Schools/Home School Satellite Programs.		1330	
56. Senators Fleming, McDermott, McManus: Central Area Youth Association.		1459	
57. Senators DeJarnatt and Thompson: Cowlitz Monarch's Special Olympics Basketball Team.		2181	
58. Senators Fleming, McDonald, Rasmussen: Sherry Riels, Miss Washington U.S.A. honored.		1760	
59. Senators McManus and Lee: Hispanic Business Leaders honored.		1760	
60. Senators Wojahn, Gaspard, Rasmussen, McDermott, Sid Snyder, Secretary of the Senate: Swedish Order of Valhalla honored.		2463	
61. Senators Zimmerman, Barr, Conner, Patterson, Peterson, Hansen, Goltz, Sellar, Benitz, Hayner, Newhouse: George and Ann Rohrbacher/Inventors, The Family Farming Game.		2070	
62. Senators McDermott, Fleming, Talmadge, DeJarnatt, Gaspard, Bender, Rasmussen, Thompson, Wojahn, Williams, Vognild, Granlund, McManus, Halsan: Admonishes President Reagan's visit to Bitburg/Honors those who fought for freedom in World War II.		1899	
63. Senator McManus: Pioneers Marden and Helen Stiffler honored.		1958	
65. Senators Talmadge and Johnson: Washington Paralyzed Veteran's Week.		2686	
67. Senators Deccio, Newhouse, Hansen, Rasmussen, Williams, Garrett, Wojahn, Goltz,			

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
Vognild, Hayner, McDonald: 100th Anniversary/City of Yakima.		2070	
68. Senators Kreidler, Halsan, Pullen: Capital High School/State Knowledge Bowl Winners.		2071	
69. Senators Kreidler, Halsan, Johnson: Olympia Lions Club/50th anniversary.		2686	
70. Senator Bottiger: Pioneer Jonas Asplund honored.		2686	
72. All Members: Lieutenant Governor Cherberg honored/John A. Cherberg Building named.		2478	
82. Senator Fleming: Sam Smith Day.		2687	
83. Senators Fleming and Johnson: Sonics Coach Lenny Wilkens honored.		2688	
92. Senators Peterson, Bottiger, Stratton, Barr, Patterson, Conner, Halsan, Granlund, Metcalf, Johnson, Bender, Bauer: Joint Select Committee/Independent Gasoline Dealers.		2630	
111. Senator McManus: Mark Hammond/Washington Teacher of the year.		2688	
112. Senators Gaspard and Johnson: Husky Basketball Coach Marv Harshman honored.		2688	
115. Senators Bottiger, Fleming, Hayner, Sellar: Notice of impending Sine Die.		2635	
116. Senators Bottiger, Fleming, Hayner, Sellar: Interim Provisions.		2632	
117. Senators Bottiger, Fleming, Hayner, Sellar: Senate organized/House notified.		2646	
118. Senators Bottiger, Rasmussen, Gaspard, Wojahn and Johnson: "Doc" Adams honored.		2689	
119. Senators McManus, Metcalf, Johnson: Alcoholics Anonymous/50th anniversary.		2689	
120. Senator Goltz: Matt Stodola/Guest of Japan Amateur Wrestling Federation.		2690	
121. Senators McDermott, Hayner, Lee, McDonald, Rasmussen, McCaslin: Washington State Lottery/Refrain from certain Promotional Activities.		2700	
122. Senators Moore, Deccio, Vognild, Sellar, Johnson: Study/Affordable Insurance.		2699	
123. Senators Kreidler and Halsan: Photographer Vibert D. Jeffers honored.		2701	
128. Senators Bottiger, Fleming, Hayner, Sellar: Sine Die/House notified.		2702	

## HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2.(Sub)	292	1043				
3.(2nd Sub)	889	1050	1728	1728	943.1921	C372
4.(Sub)	292	1043	1214	1214	1446.1448	C145
10.	836	1062			1918	
12.	442	848	1087	1087	1178	C76
14.(Sub)	366	1050	1304	1304	1446.1447	C174
15.(Sub)	410	956	1089	1089	1178	C80
16.(Sub)	366	936	952	953	1043	C15
20.	155					
21.	156	461	1015	1016	1095.1096	C36
22.	627	1050				
23.(Sub)	797	1062	1285 1287	1287	1286.2087 2089	C330
24.(Sub)	938					
25.	591					
26.(Sub)	334					
27.	292	1021	1190	1191	1321.1323	C106
28.(Sub)	292	1021	1088	1089	1446.1447	C175
31.	427	1021	1217	1217	1446.1448	C147
32.(Sub)	411	682.1063 2569	1434.2570 2573		1434.2577 2628	
34.	156	848	1181	1181	1321.1323	C119
36.(Sub)	442	962	1341.1351	1351	1342.2087 2089	C260
37.	156	957			1918	
39.(Sub)	836	1033	1413	1427	2087.2089	C264
41.(Sub)	889					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
43.	411	1063				
44.(Sub)	334	957			1918	
46.(Sub)	298	962	1755	1755	2194,2628	C401
48.(Sub)	427	1026	1220	1220	1446,1448	C150
50.(Sub)	184	946	1050,1152	1152	1322,1323	C100
51.	550	1063				
52.(Sub)	334	946	1081,1100 1121	1121	1082,1100 1446,1448	PV C185
53.(Sub)	334	1021	1184	1184	1321,1323	C110
54.	292	1021	1631	1631	1921	C275
55.	184	1022				
58.	442	946	1565	1566	2087,2089	C265
61.(Sub)	938	1063	1465	1468	2087,2089	VETOED
62.(Sub)	415	957	1334	1340	2087,2089	C236
66.	591	1050	1245	1246	2367,2368	C465
68.(Sub)	411	1027	1313	1315	2087,2089	C402
69.(Sub)	427	1033	1302	1303	2367,2368	C436
73.	298	1050	1301	1301	1446,1448	C165
77.	298	1033	1302	1302	1446,1448	C176
78.	335					
80.	298	957	1208	1208	1446,1448	C177
81.(Sub)	550	1063				
84.(Sub)	836	1034	1519	1519	1921	C277
86.(Sub)	342	957	1151	1152	364,1446 1448	C178
91.(Sub)	342	1034	1724	1725	2087,2088	C393

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
92.	335	957	1090	1090	1178	C77
93.(Sub)	466					
94.(Sub)	342	962	1325	1325	1445,1448	C124
98.(Sub)	591					
99.	335	1028	1225	1225	1234,1446 1448	PV C148
101.(Sub)	627	1050	1731	1739	2301,2302	C473
102.	706					
103.(Sub)	836					
107.	156	761	1519	1521,2029	2301,2302	C327
108.(Sub)	342	1022				
109.	298					
110.	938					
112.(Sub)	938	1063	1449	1450,1751	1450	
114.(Sub)	411	1064			1918	
116.	729	1064	1441	1443	2190,2380 2634,2638	PV C461
124.(Sub)	335	1022	1412	1412	1434,1858	C217
127.(Sub)	628	1028	1227	1227	709,1446 1448	C155
131.(Sub)	729	1027	1315	1319	1913,2060 2328,2621	
132.	427	1043	1304	1304	1446,1448 2128,2170	C179
133.(Sub)	797	1064	1354	1355	1445,1448 2368,2370	C142
134.	938	1051				
137.(Sub)	342	1034				
138.(2nd Sub)	706					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
139.	366	1022	1300	1301	2087,2088	C246
141.(2nd Sub)	836	1051	1687	1688	2088,2301 2302	C403
142.	342	957	1138	1138	1177,1178	C82
149.	366	944	1019	1020,1102	1177,1178	C83
150.(Sub)	466	1034	1699	1721	2087,2088	PV C396
151.	335	1064	1757	1759	1759	
152.	342	946	1293	1293	364,1446 1448	C180
153.	427	1028	1521	1528	2301,2302	C276
155.(Sub)	298	761	1080	1080	1446,1448	C156
156.	411	1028	1283	1283	1446,1448	C157
158.	366	1051	1611	1611	1921	C211
163.(Sub)	836	1034	1185	1185	1321,1323	C101
166.(Sub)	628	958	1151	1151,1191	1151,1446 1448	C152
168.	427	1034	1464	1464	1858	C266
169.	335	962	1181	1181,1206	1182,1446 1448	C168
170.(Sub)	707					
173.	591					
174.(2nd Sub)	798	1064	2108	2109	2493,2494	C399
175.	299	1022	1150	1151	1322,1323	C118
177.(Sub)	427	944	1078	1079	1446,1448	C181
178.(Sub)	938	1035	1383	1383	2087,2089	C442
179.(Sub)	938	1051	1698	1699	2087,2088	
181.	317					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
183.	798	1051	1185	1186	1321.1323	C104
187.(Sub)	836	1035	1608,1621	1622	1609,2087 2088	PV C400
188.(Sub)	591	963	1090	1091	1178	C78
189.(Sub)	514	1022	1184	1184	1322.1323	C112
190.(Sub)	836	1051	1239	1240 2329	1916,2091 2634,2638	C340
191.	427	1023				
194.(Sub)	514	1064	1234	1234	1446,1448	C153
197.(Sub)	837				1031	
199.(Sub)	317	963	1344	1350	2087,2089	C280
203.(Sub)	938	1052	1607	1608	2087,2089	C429
204.(Sub)	939	1064	1450	1450	1858	C279
205.(Sub)	837	1062,1065			1918	
213.	411	1023	1097	1098	1177,1178	C81
214.(Sub)	591	1052	1288	1289	2087,2089	C267
220.(Sub)	707	1065	1186	1186	1322.1323	C114
222.	591	1044	1464	1465	2058,2061	C189
223.(Sub)	758	953	1209	1209	1446,1448	C123
227.(Sub)	939	1065	1604	1607	2032,2451	
228.	427	1052	1468	1469	2087,2088	C452
232.(Sub)	628	1044,1052	1488	1488	954,1921	C453
242.(Sub)	628	1065	1529	1545 2341	2032,2329 2341,2370 2452,2628	PV C443
243.(Sub)	366	1028				
244.	729	1065			1918	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
246.(Sub)	428	963			1361	
250.	514	958	1257	1258	1446,1448	C154
251.	730	1052	1215	1215	1446,1448	C129
253.(Sub)	939	1065	1186	1186	1322,1323	C105
254.(Sub)	939	1066	1721	1723	2087,2088	C262
261.	442	958	1325	1325	1445,1448	C136
262.(Sub)	515	958	1326	1326	2087,2089	PV C341
266.	939					
268.	758	963	1082	1082	1486,1487	C151
270.(Sub)	837	1035,1066	1427	1433	1047,1061 2087,2089	PV C326
271.	343	1052	1383	1384	1486,1487	C149
272.(Sub)	628	1029	1451	1452 2189	2634 2636	C404
274.(Sub)	411					
279.(Sub)	411	963	1098,1099	1099	1098,1446 1448	C166
281.	515	848	1413	1413	1486,1487	C167
293.	343	1052	1327	1327	1445,1448	C137
297.(Sub)	837	1035	1458	1458	2087,2089	C247
303.(Sub)	366	848	1131	1132	1446,1448	C161
310.	411	848	1079	1079	1178	C86
312.	366	710	950,951	952	951,1043	C16
314.(Sub)	1762	2056	2056,2305	2323	2633,2638	PV C405
317.(Sub)	758	1066				
318.	428	1053	2187	2188	2367,2368	C406

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
321.(Sub)	730	958	1191	1191	1322,1323	C120
323.(Sub)	758	1066	1637	1638	2087,2089	C244
327.	939	1053	1238	1239,2092	1917,2027 2055,2188 2628	PV C331
331.	442	1066	1638	1661	1921	C218
339.(Sub)	939	1066			1918	
348.(2nd Sub)	939	1066	1546,1628	1631	1565,2018 2060	
351.	707	1053			1918	
356.(2nd Sub)	837	1053	1694	1694	1921	C245
357.	889	1067	1691	1694	947,1031 1695,2301 2302	C334
358.(Sub)	939	1053	1745	1745 2074	2118,2194 2367,2368	C336
375.(Sub)	730	1053	1724	1724	2029	
376.(Sub)	707	1067	1723	1723	2029	
378.(Sub)	730					
379.(Sub)	837	1035	1730	1731	2301,2302	C397
380.(Sub)	837	1067	1726	1727	2301,2302	C454
386.(Sub)	292	850	850	864	949	PV C386
389.(Sub)	515	1023	1149	1149	1322,1323	C97
390.	940					
391.(Sub)	428	958	1128	1130,2074	1848,2493 2494	C342
392.	837	1067			1918	
393.(Sub)	889					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
396.(Sub)	940	1054	1695	1695	2301,2302	PV C335
397.(Sub)	940					
398.	592	958	1098	1098	1177,1178	C79
399.	428	959	1150	1150	1322,1323	C109
402.	428	849	1078	1078	1178	C75
403.(Sub)	592	1023	1179	1179	1322,1323	C98
405.	837	1067				
406.(Sub)	758					
409.	335	761	1016	1016	1095,1096	C37
419.	838	1067			1918	
428.(2nd Sub)	515	1054	1226	1226	1446,1448	PV C162
433.(Sub)	940	1067				
434.	592	963	1180	1180	1322,1323	C111
435.(Sub)	798	1068	1436	1438	2087,2088	PV C462
444.(Sub)	707	1035	1156	1156	1322,1323	C102
452.(Sub)	592					
456.(Sub)	592					
458.(Sub)	707					
459.(Sub)	428	1036	1269	1269	1446,1448	C127
460.(Sub)	592	1054	1193	1193	1322,1323	C121
461.(Sub)	730	1068	1258	1264 2372	1951,2027 2341,2349 2371,2452 2634,2636	C446
464.	366	1054			1918	
466.(Sub)	592	1054	1305	1305	2088	C248

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
469.(Sub)	838	1036	1246	1247	1206,1446 1448	C131
470.(Sub)	889	1054			1054,1060 1918	
479.	592	1068	1412	1412	1486,1487	C182
480.	940	1044	1327	1327	2019	
481.(Sub)	838	1054	1194	1194	1322,1323	C116
482.(Sub)	838	1055	1194	1194	1322,1323	C117
486.(Sub)	940					
489.(Sub)	730					
490.(Sub)	412	426	949	950	1042,1043	C17
492.	707	1029	1179	1179	1486,1487	C183
493.(Sub)	940	1068	1311,1411 1449	1449	1312,1411 1858	VETOED
494.(Sub)	759	1036				
495.(Sub)	707	1068				
500.(Sub)	865		865,867	868	897	C5
506.(Sub)	890	1068	1357	1359		
507.	442	1055				
512.(Sub)	628	1069	1452	1453	2058,2061	C394
520.(Sub)	550	944	1087	1087	1178	C74
542.	708	1069			1918	
543.(Sub)	551	1069	1351	1353	2087,2089	C281
545.(Sub)	838	1069				
546.(Sub)	759	953	1083 1961	1085 1961	2088,2367 2368	C261
547.(Sub)	551					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
550.(Sub)	759	1069	1461	1463	2088	PV C430
565.(Sub)	708	959	1093	1093	1178	C84
566.(Sub)	838	1069				
575.	890	1036	1750	1750	1921	C204
576.	940	1069	1756	1756	1921	C219
577.(Sub)	759	1036	1489	1489	2058,2061	C263
587.(2nd Sub)	798					
593.	940	1055	1277	1280	2018,2194 2628	C407
594.(Sub)	838	1055			1918	
595.(Sub)	940					
596.(Sub)	730	1023	1182	1182	1322,1323	C115
600.	941					
601.	442	849	1039	1041	448,1095 1096	C38
602.(Sub)	730	959	1182,1192	1193	1183,1322 1323	C99
606.(Sub)	890	1036	1270,1286	1286	1277,2087 2089	C398
610.	941	1055	1461	1461	1858	C213
612.(Sub)	838					
622.(Sub)	592	1070	1459,1726	1726	697,1460 2088	C268
625.(Sub)	1043	1070	1489	1510 2171	1953,2061 2357,2634 2638	PV C466
627.(2nd Sub)	730	1055	1265	1269 2093	1951,2027 2301,2628	PV C467
629.	628	710	1360	1360	2087,2089	C282

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
643.	838	1070	1312	1312	1446.1448	C138
657.	708	1036	1195	1195.1196	1195.1322 1323	C103
660.(Sub)	941	1055	1729 1741	1729.1741 2480	1730.2063 2634.2638	C333
670.	838	1029	1195	1195	1322.1323	C107
675.	628	1056	1257	1257	1446.1448	C139
677.	551					
701.	941					
712.(Sub)	839	1056			1918	
717.(Sub)	593	953	1528	1528	1921	C206
718.	839	1056	1240	1240 2349	1958.2061 2171.2493 2634	C395
720.	593	1056	1206	1207	1446.1448	C140
723.	839	1056	1685.1753	1754	1687.2092 2452.2634 2638	VETOED
731.(Sub)	593	963	1180	1180	1322.1323	C113
732.(Sub)	839					
738.(2nd Sub)	759	959.1070	1511	1511	1921	PV C229
744.(Sub)	839	1070			1918	
746.(Sub)	629	964	1196	1196	1322.1323	C108
747.	839					
753.	941					
758.	941	1056	1627	1627	1921	PV C427
760.(Sub)	759	1070	1511	1511	2301.2302	PV C230

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
767.(Sub)	941	1071	1664	1678	2493,2494	C455
781.(Sub)	890	1029	1217	1217	2087,2089	PV C343
785.(Sub)	941					
787.	593	1056	1449	1449	1858	C191
796.(Sub)	941					
799.(Sub)	629	959	1189	1189 2189	2030,2088 2634,2636	C344
802.(Sub)	731	953	1096	1097	1446,1448	C125
804.(Sub)	759	1044,1071	1623	1626 2174	1952,2357 2634,2636	C345
805.(Sub)	629	1029	1215 1220	1221 2350	954,1216 1952,2027 2194,2452 2493,2494	C419
808.	839	1057	1698	1698	2088,2089	C220
814.(Sub)	890	1062,1071	1634 1752	1636 1752	1636,2301 2302	C417
815.(Sub)	890	1062,1071	1439	1440	2088,2089	C249
820.(Sub)	941					
830.	798	944	1081	1081	1178	C85
831.(Sub)	759	1023	1130	1131	1446,1448	C130
832.	593	1057	1207	1208 2327	1952,2027 2097,2452 2628	C274
836.(Sub)	942					
837.(Sub)	731	1037	1218	1219	1446,1448	C122
839.(Sub)	890	1071	1219	1219	1446,1448	C126
843.(Sub)	839	1037	1229	1233 2093	1913,2061 2357,2634 2638	PV C415

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
846.(Sub)	942	1071	1745	1750	2059,2088 2089	C444
848.(Sub)	839	1071	1292	1293 2326	2027,2030 2096,2367 2634,2638	C346
849.(2nd Sub)	798	1072	2103	2107	2628	C420
850.(Sub)	593	945	951	952	1043	C18
852.(Sub)	731					
853.	942	1057	1488	1488	1921	PV C258
855.(Sub)	731	1037	1241,1285 1433	1241 1433	1241,1285 1486,1487	C164
856.	708	1072			1918	
863.(Sub)	731	1037	1612	1621,2468 2623	2633,2638	PV C433
865.(Sub)	890	959	1224	1225	2088,2089	C410
877.(Sub)	839	1072	1289	1292	2088,2089	C421
879.(2nd Sub)	942	1057,1072				
890.(Sub)	760	1023	1132 1962	1137 1962	2194,2634 2636	C412
891.(Sub)	708	1037	1226	1226	2088,2089	C416
894.(Sub)	942	1057				
914.	840	1024	1091	1092	1446,1448	C184
930.(2nd Sub)	731	1057				
932.(Sub)	629	964	1187,1341 1342	1343	1189,1341 2087,2089	C259
936.(Sub)	890					
943.	760	1072	1512	1512	1921	C269
949.	840	1057	1237	1238	1446,1448	C169

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					1698,2033 2350,2355	
956.(Sub)	840	1072	1695 1725	1725 2571	2500,2626 2633,2638	C332
957.(Sub)	760	1072	1283	1284	2087,2089	C328
958.(Sub)	551	1024	1238	1238	1446,1448	C163
974.(Sub)	891	1073	1633	1633	2088,2089	C456
975.(2nd Sub)	891	959	1310	1310	2087,2089	C448
999.	942	1073	1355	1357	1360,1469 2088,2089	PV C434
1000.	840	1027	1328	1328	1445 1448	C132
1001.	942	1024	1331,1332	1334	1331,1953 2027,2568	
1002.	840					
1003.(Sub)	840	1044	1305,1727	1728	1309,2088 2089	C414
1004.	840	1058	1329	1329	1445 1448	C133
1006.	942	1058	1332	1332	1445 1448	C134
1009.	840	1058	1332	1332	1445 1448	C135
1010.	551	946	1242	1244	2019	
1012.(Sub)	840					
1013.(Sub)	840					
1021.(Sub)	708	1058	1236	1237	1446 1448	C158
1037.(Sub)	551	1073			1918	
1044.(Sub)	942	1058	1246	1246	1446 1448	C160

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1046.(Sub)	760	1024	1284	1284	2087 2089	C283
1056.(2nd Sub)	798	1029	2101	2102	2493 2494	C422
1060.(Sub)	841	1073	1281	1282	2088 2089	C413
1061.(Sub)	731	960	1514	1518	2087 2089	C231
1063.(Sub)	731	945	1018	1019	1095 1096	C39
1065.(2nd Sub)	798	1029	2109	2110	2493 2494	C423
1068.(2nd Sub)	891					
1074.(Sub)	551	1073			709,1918	
1077.(Sub)	891	1073	1568,1610 1679,2089 2175	1683 2176	1604,1611 2090	
1078.(2nd Sub)	891	1058	1688	1690	2301 2302	C418
1079.(Sub)	732	1059	1513	1513 2178	1914,2061 2628	C232
1080.(Sub)	760	1074	1685	1685	1921	C221
1082.(Sub)	1235	1761	1893	1893	2059,2301 2302	C337
1084.(Sub)	1153	1761	1963	1963	2088 2089	C339
1085.(Sub)	1153	1761	1894	1894	2059 2302	C338
1089.(Sub)	1154	1764	1894 2033	1896,2033 2034	1897,2634 2638	C347
1094.	732	1059	1609	1609	1921	C212
1102.(Sub)	841	1074			1918	
1106.(Sub)	760	1074			1918	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1107.(Sub)	891	1059	1463	1463 2180	1914,2061 2179,2301 2628	C424
1114.(Sub)	942	1074	1210	1213	1190,1193 1195,1446 1448	C144
1116.(Sub)	708	1074	1741	1744	2088 2089	C425
1122.(Sub)	841					
1129.(Sub)	942	1037	1234	1234	1446 1448	C128
1134.(Sub)	629	1037	1435,1443 1453		1435,1444 1456,1918	
1143.(Sub)	841					
1153.(Sub)	841	1059	1664	1664	1921	C205
1169.(Sub)	760	1038	1684	1684	2302	C329
1170.(Sub)	1038	1074	1221	1223	891,2087 2089	C409
1172.(Sub)	891					
1177.(Sub)	891				943	
1182.(Sub)	943	1074	1469	1473		
1190.(Sub)	841	1030	1309	1310 1634	1310,2493 2494	C408
1191.(Sub)	943	1075	1343	1344	1445 1448	PV C143
1195.(Sub)	629	1075	1756	1756	1921	C411
1198.	428					
1207.(Sub)	799	1059	1518	1518 1914	2088 2089	C437
1232.(Sub)	841	1075	1329	1329	1145 1448	C141

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1234.(Sub)	841	1038	1237	1237	1446 1448	PV C159
1256.	2682		2682			
1269.(Sub)	943	1075	1456	1457	2088 2089	C348
1326.	2682		2682 2690	2691	2702	C2 E1
1327.	2664		2664 2665	2665	2673	C3 E1
1328.	2664		2664 2698	2698	2698 2702	C4 E1

## HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1. ....	106		106	117	106.149	
2. ....	317	946	1242	1242	1446.1448	
12. ....	760	1038				
16.(Sub) ....	841	1075	1436	1436	1486.1487	
17. ....	943	1059			1918	
22. ....	708					
24.(Sub) ....	943	1044			1918	

## HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6.(Sub)	799	1075				
12.	335		335,401	402	430	
22.	442	710	1167	1168	1322,1323	
					2110,2356 2448,2452	
23.	841	1075	1566	1567,2449 2497	2626,2633 2638	
25.(Sub)	732	1076			1918	
30.(Sub)	760					
42.	761	1024	1460	1461	1858	

## HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1.	10		10	10	28	
3.	299	1045				
4.	184		184	184	215	
7.			2627	2727	2634,2638	
13.	2635		2635	2635	2636,2638	
14.	2647		2648	2648	2664	
15.	2703		2703	2703	2704	

**ABORTIONS**

Parental consent required if under 18: SB 4250

Wrongful birth, wrongful death, causes of action prohibited: SB 4251

**ACCOUNTANTS**

Governmental audits by private CPAs: SB 3358

**ACENA, EMILIANA**

Employ the older worker workweek representative introduced . . . . . p. 482

**ACID RAIN**

Critical level defined, irreparable damage unless corrective action taken: \*SHB 974, CH 456 (1985)

DOE to continue evaluation and research in the region: \*SHB 974, CH 456 (1985)

Early detection through monitoring of levels and trends: \*SHB 974, CH 456 (1985)

**ACTS**

Antiharassment act: SB 3012, \*SSB 3012, CH 288 (1985)

Athletic trainers act: SB 3316, SSB 3316

Colville Indian reservation criminal jurisdiction retrocession act: SHB 495, SB 3565

Community college capital funding act: SB 4230

Community reinvestment act: \*SHB 1169, CH 329 (1985)

Comprehensive forfeiture act: SB 3329

Conflict of interest act for state officers and employees: SB 3537

Consortium act of 1985: SB 3546

Criminal profiteering act: \*SHB 767, CH 455 (1985)

Dietetic services registration act, diet plans, etc.: SB 3451

Dietetics practices act: SB 3109

Drug racketeering activity prohibitions act: SB 3086

Early childhood assistance act of 1985: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243

Fair campaign practices act: SB 3803

Firearms civil rights act of 1985: SB 3106

Hazardous waste management act: \*2SHB 975, CH 448 (1985), SSB 4030

Local crime prevention act of 1985: SB 4329

Mandatory safety belt and child safety seat act: SB 4312

Motorcycle dealers' franchise act: SB 3333, \*SSB 3333, CH 472 (1985)

Municipal biennial budget act: \*SHB 28, CH 175 (1985)

Natural death act, procedure when no written directive, attorney power: SB 3228, SSB 3228

Office for the enhancement of human intellect: SB 3421

Oil and gas severance and conservation act: SB 3128

Omnibus credentialing act for counselors: SHB 470, SB 3901

Public securities act of 1985: SB 4114

Radioactive waste act: \*SSB 3468, CH 293 (1985)

Recreational water contact facilities act: SB 3498, SSB 3498

Salmon artificial propagation act: SB 3060

The sale of Kosher food products act of 1985: \*SHB 459, CH 127 (1985), SB 3525, SSB 3525

Washington clean indoor air act: \*SHB 62, CH 236 (1985), SB 3039, SSB 3039, 2SSB 3039

Washington mutual aid limited police powers act of 1986: SB 3272

Washington mutual aid peace officer powers act of 1985: \*SB 3273, CH 89 (1985)

Washington state agricultural irrigation commission act: SB 3286

Washington state education act of 1985: SB 3232

**ACUPUNCTURE**

Certification procedures: \*SHB 270, CH 326 (1985), SB 3364, SSB 3364

Insurance, group health plan coverage: SB 3606

Physician assistants, qualifications modified: \*SB 3829, CH 322 (1985)

**ADAMS, JEAN H.**

- GA nomination as trustee, Walla Walla community college district 20, withdrawn ..... p. 134  
 Reappointed member, Walla Walla community college district 20: GA 50, confirmed ..... pp. 146, 1768, 2085

**ADMINISTRATIVE HEARINGS OFFICE**

- SPI may contract with office for services: \*SB 4110, CH 225 (1985)

**ADMINISTRATIVE RULES REVIEW, INTERIM JOINT COMMITTEE**

- Senators Halsan, Kreidler, Deccio and Johnson appointed members ..... p. 2636

**ADOPTION**

- Consent, revocation process: \*SHB 877, CH 421 (1985)  
 Consent, what consent statement is to contain: \*SHB 877, CH 421 (1985)  
 Hearing for relinquishment, procedure modified: \*SHB 877, CH 421 (1985)  
 Identity disclosure, petitions authorized: SHB 112  
 Termination of parent-child relationship, prospective parent may file if spouse is parent: \*SHB 877, CH 421 (1985)

**ADVERTISING (See also CAMPAIGNS; SIGNS)**

- Automatic dialing and announcing devices prohibited: HB 134  
 Beer and wine advertising, health warnings required: SB 4300  
 Beer and wine advertising on TV and radio prohibited: SB 4276  
 Charitable and commercial solicitations via telephone, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)  
 Farm products, road sign requirements modified: SB 3045  
 Farm products, temporary signs, requirements: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)  
 Highway information panels, motels, allowed class revised: \*SHB 133, CH 142 (1985), SB 3130  
 Political advertising, name of party as it appears on the ballot: SB 3534  
 Political signs, temporary placement along scenic highway, not in right of way: SSB 3500  
 Price advertised may include sales tax: \*HB 601, CH 38 (1985), SB 3275, SSB 3275  
 Scenic highway system, advertising, farm products, tourism: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)  
 Scenic highway system, political signs, temporary and not within right of way: SSB 3500  
 Telephone solicitation, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)  
 Tourist information council created, regulate signs on primary and scenic highways: SB 3500  
 Tourist information panels, limits, procedures, eligibility: \*SSB 3500, CH 376 (1985)  
 Tourist-oriented road signs, requirements: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)

**AFFIRMATIVE ACTION**

- Agencies, higher education institutions, and state patrol to maintain affirmative action program: SB 3346, \*SSB 3346, CH 365 (1985), SB 4149  
 Banks holding or investing state funds must have affirmative action plans: SB 3345, SSB 3345  
 State contracts, contractors and subcontractors, submit affirmative action plans: SB 3345, SSB 3345

**AFRICAN DIGNITARIES**

- Introduced Mr. Raymond Ngouanepa, Mr. Jean Kpwoka, Mr. Abdourahamane Sow, Mr. Abdou Gninque, Mr. Biram Deme, Mr. Tobie Lanou ..... p. 132

**AGENTS** (See also PARTNERSHIPS)

State agents, attorney general to provide defense: SB 3113

**AGING, STATE COUNCIL ON** (See also ELDERLY)

Funding limit provision repealed: SB 3084

**AGRICULTURE** (See also DAIRY PRODUCTS COMMISSION; LIVESTOCK; WEEDS)

Advertising, farm products, road sign requirements modified: SB 3045

Advertising, farm products, tourist-oriented, requirements: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)

Agricultural finance commission established: SB 3378, SSB 3378

Agricultural irrigation commission, formation authorized: SB 3286

Agricultural market development advisory committee created: SB 4120

Agricultural market research advisory committee to IMPACT center created: SB 4130

Animals, birds, etc., raising under contract on own land, B & O exempt: \*SHB 1003, CH 414 (1985)

Aquaculture advisory council created: \*SB 3067, CH 457 (1985)

Aquaculture disease, agriculture director duties, etc.: \*SB 3067, CH 457 (1985)

Aquaculture disease control account created: \*SB 3067, CH 457 (1985)

Aquaculture disease program, department of fisheries to report to legislature: \*SB 3067, CH 457 (1985)

Aquaculture duties of agriculture department: \*SB 3067, CH 457 (1985)

Aquaculture lands or structures, trespass prohibited: \*SB 3173, CH 289 (1985)

Aquatic farming: \*SB 3067, CH 457 (1985)

Aquatic farming is agricultural commodity for agriculture department's market development role: \*SHB 1234, CH 159 (1985)

Assessments, commodities, stored in frozen condition: \*SHB 546, CH 261 (1985), SB 3592

B & O exemption for raising under contract animals, birds, etc., on own land: \*SHB 1003, CH 414 (1985)

B & O rate phased down for meat processors: \*SSB 4228, CH 471 (1985)

B & O tax on commercial, agricultural, or investment purpose loans: SB 3383

B & O tax on fruit and vegetables changed: SB 3462

Bluebunch wheatgrass designated state grass: SB 3003

Bulls running at large, bull/cow ratio modified: SB 3024, SSB 3024

Bulls, running at large requirements don't apply west of mountains: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024

Burning of grass, \$1/acre, 50% for research, 50% for smoke management: SHB 1122

Cattle assessments, payment at feedlot delivery modified: SB 3043

Clams, aquatic farming, department of agriculture authority: \*SB 3067, CH 457 (1985)

Cold storage facilities, frozen commodities, report filing: \*SHB 546, CH 261 (1985)

Cold storage warehouse, operating defined: SB 3292

Commodities, handler defined: SHB 546, SB 3592

Commodities, includes aquatic products: \*SB 3067, CH 457 (1985)

Commodities, includes those stored in frozen condition: SHB 546, SB 3592

Commodities, notice to producers and handlers in the affected area: SHB 546, SB 3592

Commodity assessments, those stored in frozen condition are subject to assessment: \*SHB 546, CH 261 (1985), SB 3592

Commodity commission assessments for trade promotion and promotional hostings, a public use: \*HJR 42 (1985), SJR 124, SSJR 124

Commodity commissions, expenditures, development, trade promotion, promotional hosting: \*SB 4121, CH 26 (1985)

Commodity definition revised to include animals: \*SHB 546, CH 261 (1985)

**AGRICULTURE—cont.**

- Commodity futures trading: SHB 1012
- Commodity-related education, training, and leadership, funds authorized: SB 3020
- Conservation commission, matching grant program for conservation districts: SB 3379, SSB 3379
- Conservation corps, administrative expenditures, restricted for projects: SB 3568
- Conservation corps, nonprofit corporations, reimbursement of absorbable costs: SSB 3568
- Crop lien, fertilizer, pesticide, weedkiller person, priority: \*SHB 890, CH 412 (1985), SB 3340, SSB 3340
- Crops growing or to be grown, collateral of a bank, requirements: SSB 3340
- Damage to wild shrubs and range land vegetation is crop damage: SB 3116, \*SSB 3116, CH 355 (1985)
- Diseased livestock tests, director may enter farm at any time: \*SHB 843, CH 415 (1985)
- Dogs, injury to animals, recovery limit removed: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Driving permit for juveniles, photo required, fee modified: SSB 3927
- Eagle buffer zone, farming exempt: SB 3237
- Economic development coordinating council: SB 3614
- Estrays, impoundment, proceed deposition, etc., modified: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Farm banks, amend federal law to assist: \*SJM 121 (1985), SSJM 121
- Farm labor contractors, agricultural employees, regulated: \*SHB 199, CH 280 (1985)
- Farm machinery, sales and use tax exempt: SB 3543
- Farm products, road sign advertising requirements modified: SB 3045
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- Fences, lawful fence, etc., described: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
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- Fruit and vegetables, B & O tax rate changed: SB 3462
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- Grain collateral, certain information required, notice: SB 4161
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- Horticultural nursery dealer license, \$25 for each place of business: SB 4292
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- Oysters, aquatic farming, department of agriculture authority: \*SB 3067, CH 457 (1985)
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- Radiation, control of sources of ionizing radiation, DOE to seek funds: \*2SHB 3, CH 372 (1985)
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- Alcohol awareness program authorized, public safety and education account: SB 3037
- Alcoholism and drug abuse research by UW and WSU: SB 4221
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- Appointed director, department of commerce and economic development: GA 5, confirmed ..... pp. 57, 341, 415

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- Member, state gambling commission:  
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**BARNHOLDT, EDWARD "NED" W.**

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**BINNS, ROBERT P.**

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Birth certificate, \$10 fee to sexual abuse fund: SB 3244

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- Child abuse convictions, registry established, job screening: SB 3377
- Child abuse convictions, study establishment of a registry and employment screening: SSB 3377
- Child abuse, day care employees, screen employees: SHB 1134
- Child abuse, dependency cases, criminal information system to maintain files of identifying data: \*SB 3596, CH 201 (1985)
- Child abuse, dependency petition, basic rights to be advised: \*HB 492, CH 183 (1985)
- Child abuse, funds for programs through tax on erotic "adult only" materials: SB 4162
- Child abuse, hearsay exception modified: SB 3506
- Child abuse, offenders restrained from home access: \*SSB 3240, CH 35 (1985)
- Child abuse or neglect, statement admissible: SB 3481, SSB 3452
- Child abuse, report within 24 hours versus 7 days: SB 3238
- Child abuse, report within 48 hours versus 7 days: SHB 932, SSB 3238, 2SSB 3238
- Child abuse reporting laws strengthened: \*SHB 932, CH 259 (1985)
- Child abuse, teach children how to resist and report: \*SHB 805, CH 419 (1985)
- Child abuse, teacher training in recognizing potential victims: \*SHB 805, CH 419 (1985)
- Child support enforcement by DSHS, revisions: \*HB 153, CH 276 (1985)
- Child support, health care coverage, duties revised: \*SHB 746, CH 108 (1985)
- Child support, joint legislative committee, repealed: \*SB 3852, CH 294 (1985)
- Child support, wage assignment, employer responsibilities: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Child support, wage assignment has priority over other assignments: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Child victims of sexual abuse fund, birth certificate fees: SB 3244
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- Custody disputes, mediation: SB 3252, SSB 3252
- Custody, joint custody given priority: SB 3251
- Custody, joint custody, legal, physical, defined: SSB 3251
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- Custody, public interest, parents, share rights and responsibilities: SB 3251, SSB 3251
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- Day care, DSHS, screen employees for abuse: SHB 1134
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- Day care, DSHS to monitor and evaluate for developmental quality: SB 4174
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- Dependency proceedings, sexual offense, child's testimony, tape: SB 3452
- Dependency, termination of parent-child relationship, contempt of order, procedure: \*SSB 4059, CH 257 (1985)
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- Driving permit, agricultural, photo required, fee modified: SSB 3927
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- Education, early childhood education enhanced: SB 3518, SB 4243, SSB 4243
- Fishing license not required if under age 15: \*SSB 4231, CH 464 (1985)
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- Juvenile, alternative residential placement process, DSHS to develop plan: SSB 3979
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- Juvenile diversion agreements, must reside in parents home, alternative: SB 3362
- Juvenile facilities and services, screen employees for abuse: SHB 1134
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- Juvenile residential facilities, population limitations and early release revised: HB 109, \*SB 3176, CH 287 (1985)
- Juvenile sexual offenders who were victims, pilot program: SB 3499
- Juveniles, compromise of misdemeanors, modification: \*SSB 4059, CH 257 (1985)
- Juveniles, custody by law, must inform child and parent of available community services: SSB 3979, SSB 4059
- Juveniles, custody by law, must inform child and parents of rights: SSB 3979, SSB 4059
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- Juveniles, dispositional orders of restitution, victims paid first: \*SSB 4059, CH 257 (1985)
- Juveniles, diversion agreements, fines, collection and imposition authority continued: SB 3087, \*SSB 3087, CH 73 (1985)
- Juveniles, may not be confined in adult jails or holding facilities, conditions: SB 4229, \*SSB 4229, CH 50 (1985)
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- Liquor premises, security and officers over 18 allowed: \*SB 3851, CH 323 (1985)
- Location of children when parent has support duty, DSHS to find: SSB 3482
- Marriage licenses, \$10 fee deposited in child sexual abuse fund: SB 3245
- Missing children clearinghouse established: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
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- Missing children clearinghouse, toll-free hotline: \*SHB 242, CH 443 (1985), SSB 3276
- Missing children data to be filed into computer within 12 hours of notice: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
- Missing children, DSHS to locate child for parent with support duty: SSB 3482
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- Missing children, report by state patrol on clearinghouse effectiveness: SB 3276, SSB 3276
- Parent education program for AFDC recipients: SB 4164
- Parenting skills, schools to provide community programs: \*SHB 799, CH 344 (1985)
- Parents' rights as inviolate: SJR 130
- Preschool advisory committee to assist DCD with preschool program: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Preschool, disadvantaged, attendance provided for: SB 3512
- Preschool, disadvantaged, program modeled on headstart, not part of basic education fund: SB 4176
- Preschool, monitor private programs: SB 3518
- Preschool, state education and assistance program for at-risk children: \*2SHB 1078, CH 418 (1985), SSB 4243
- Preschool, transition program, state-supported preschool education and assistance: SB 4243
- Runaways, persons sheltering, notice required: SB 3243, SSB 3243
- Seat belts, children under 2 to be in safety seats: SB 4312
- Seat belts must be worn by operator and minors: SB 3031
- Seat belts, passengers under 16, belt or safety seat required: SHB 1182
- Seat belts required on school buses: SB 4331
- Seat belts, restraints for children, 7 day compliance time eliminated: SB 3031
- Seat belts, 16 years or older, driving or operating, mandatory: SHB 1182
- Sex abuse, child victims exempt from face to face trial confrontations: SJR 102
- Sexual abuse, child victims fund established, birth certificate fees: SB 3244
- Sexual abuse, child victims, fund established, marriage license fees: SB 3245
- Sexual abuse, dependency proceedings, criminal information system to maintain files of identifying data: \*SB 3596, CH 201 (1985)
- Sexual abuse, dependency proceedings, forward information to state patrol: SSB 3377
- Sexual abuse, evidence, confession sufficient if all elements established: SB 3241
- Sexual abuse, evidence, corpus delicti does not disqualify confession: SB 3241
- Sexual abuse, hearsay exception modified: SB 3506
- Sexual abuse of children, offenders restrained from home access: SB 3240, \*SSB 3240, CH 35 (1985)
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- Sexual offenses, criminal proceeding, tape oral statement: SHB 852, SB 3452, SSB 3452
- Sexual offenses, criminal proceedings, closed circuit television equipment procedure: SHB 852
- Sexually explicit conduct, allowing minor to view material, class C felony: SB 3036
- Street kids pilot project multiservice centers: 2SHB 930
- Support, enforcement by DSHS, revisions: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Support, enforcement, DSHS procedures with other states: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Support, health care coverage, duties revised: \*SHB 746, CH 108 (1985)
- Support, joint legislative committee, repealed: \*SB 3852, CH 294 (1985)
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- Support, parent income disclosed in order, order must be reasonable: SB 3323
- Support, wage assignment, priority over other assignments: \*HB 153, CH 276 (1985)
- Support, wage assignment procedure: SB 3251
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- Victims, bill of rights, advocate provided: \*SHB 512, CH 394 (1985)
- Victims of crimes, protection provided, advocate: SB 3199
- Visitation disputes, mediation: SB 3252, SSB 3252
- Visitation, if withheld support may be withheld: SB 3222
- Visitational interference, gross misdemeanor: SB 3251
- Visitational rights of grandparents, etc.: SSB 3251
- Witnesses, additional protection provided, advocate: SB 3199
- Witnesses, bill of rights, advocate provided: \*SHB 512, CH 394 (1985)
- Youth development and conservation corps to clean up Sound and protect shellfish: 2SHB 1068
- Youth employment exchange, funding for distressed areas: \*SHB 760, CH 230 (1985)

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- Member, board of trustees, Western Washington University:  
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- Compulsory education laws suspended while church school opportunities studied: SB 3550
- Temporary commission to study church schools: SB 3550

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- Cash discount defined: SB 3571, SSB 3571
- Additional tax on sales: HB 600
- Anticipatory discount defined: SSB 3571
- Cost of doing business, 14%: SB 3571, SSB 3571
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- Rebates regulated: SSB 3571
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- Stamp, compensation for placement modified: SB 4160
- Tax on cigarettes to fund basic health care: SB 3320, SSB 3320
- Wholesalers, subsidiary, affiliate, cost of doing business, determination: SB 3571, SSB 3571

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- Amusement and recreational activity, sales and use tax inapplicable: SB 3505
- Annexation by code cities of unincorporated federal areas: \*SHB 253, CH 105 (1985)
- Annexation of city by fire protection district, population threshold increased: \*SB 3625, CH 313 (1985)
- Annexation resulting in boundary change, review procedure: SB 3469
- Art in public buildings, competitive bidding: SB 3009
- Audits may be performed by private CPAs: SB 3358
- Automobiles, confidential plates, accountability enhanced: SB 3030
- Bonds, short-term obligations in anticipation of general obligations are not in anticipation of taxes: \*SB 3826, CH 71 (1985)
- Budgets, biennial budgets authorized: \*SHB 28, CH 175 (1985)
- Businesses, siting of, DCD to facilitate: \*HB 830, CH 85 (1985), SB 3412
- Capital improvements board established: SB 4147
- Collective bargaining for municipal transit workers: SB 3343
- Competitive bidding for art in public buildings: SB 3009
- Consolidation by annexation: SB 3791
- Consolidation, petition process: SB 3791
- Consolidation, uniform provisions established: \*SHB 543, CH 281 (1981)
- Contract awarding, consider potential tax revenue: \*SSB 3398, CH 72 (1985)
- Contract awarding, consider transport cost and potential tax revenue: SB 3398
- Councilmanic offices, reduction authorized: \*HB 27, CH 106 (1985)
- Credit card use for officers and employees: SB 3479
- Credit cards may be used for taxes, fees, fines, etc.: SB 3257
- Crime prevention districts: SB 4329
- Criminal justice assistance account: SB 3764, SSB 3764, 2SSB 3764
- Debt limit raised: HB 25
- DWI offenders, community service, liability insurance may be purchased: SB 3417
- Economic development programs with nonprofit corporations, public purpose: SHB 802, \*SB 3214, CH 92 (1985)
- Electric generation is a by-product of water systems owned by municipalities: \*SHB 846, CH 444 (1985), SB 4215
- Electric utilities, customer installations, inspections required: SB 3360
- Energy code, revised state energy code: \*SHB 1114, CH 144 (1985)
- Energy code to be in effect in all cities, counties: SB 4268, SSB 4268
- Environmental coordination procedures act, special purpose districts included: SB 3351
- Federal grants or programs may be carried out by public corporations, authorities, etc.: \*SHB 956, CH 332 (1985)
- Fire enforcement responsibilities of city in air navigation facilities: \*HB 139, CH 246 (1985)
- Fire protection district may annex city, population threshold increased: \*SB 3625, CH 313 (1985)
- Flood plain management, DOE to adopt rules: \*SHB 380, CH 454 (1985)
- Guns, state preemption of regulation: SB 3449, \*SSB 3450, CH 428 (1985)
- Health departments, combined city-county, revisions: SB 3359
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- King, Martin Luther, state holiday observing birth: \*HB 222, CH 189 (1985), SB 4256
- Lake management districts: \*SHB 606, CH 398 (1985)
- Library districts, annexation of city/town, liabilities of city/town pass to district: \*SSB 4386, CH 392 (1985)
- Liquor revolving fund, no disbursement if liquor prohibited: SB 3058
- Local governance study commission created: \*SSB 4399, CH 388 (1985)
- Local improvement assessments, if federal or state funds appear, lower uniformly: SB 3430, SSB 3430
- Mt. St. Helens, reimbursement of costs: \*SB 3593, CH 255 (1985)
- Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740
- New city, essential service provisions by county, provided to city for 60 days: \*SHB 1191, CH 143 (1985)
- New city, essential services, county may contract to provide to new city: \*SHB 956, CH 332 (1985)
- Noncharter code cities, councilmanic offices, reduction authorized: \*HB 27, CH 106 (1985)
- Park and recreation service area authority modified: \*SB 3445, CH 253 (1985)
- Park district formation by cities, who may create modified: \*SHB 891, CH 416 (1985)
- Parking and business improvement areas, maintenance and security for common areas authorized: \*SHB 1129, CH 128 (1985)
- Performance-based contracts for energy equipment and services authorized: \*HB 949, CH 169 (1985)
- Police power ordinances, any may be adopted unless expressly prohibited: SHB 26
- Precinct boundary adjustments, city annex of county territory: SB 3310, SSB 3310
- Presidents day, Lincoln and Washington's birthday to be celebrated on: \*HB 222, CH 189 (1985)
- Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)
- Public buildings, competitive bidding for 1% for art: SB 3009
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- Public improvements, taxing districts authorized: \*HJR 23 (1985)
- Public works competitive bidding, threshold raised, exclusions: \*HB 576, CH 219 (1985), SB 3399
- Public works, emergency performance: \*HB 576, CH 219 (1985), SB 3399
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- Road system center line on city/county boundary, maintenance duty of city: \*SHB 203, CH 429 (1985)
- Self-insurance by joint governmental entities expanded: SB 3332
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- Utility purchase or capacity increase by city or town, bond procedure modified: \*SB 3765, CH 445 (1985)
- Vacating of city streets, compensation, full appraised valued: \*SB 3830, CH 254 (1985)
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- Adoption, petitions requesting identity disclosure authorized: SHB 112
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- Artificial diversion of surface water on another's land, compensation for injuries: SB 3815
- Attorney fees, minimum increased: \*SB 3374, CH 240 (1985)
- Blood donations, liability modified: \*SB 3804, CH 321 (1985)
- Claims of state relating to improvements upon real property, time period: SB 3918
- Concealed weapon, permit refusal, civil suit, attorney fees: SB 3450, \*SSB 3450, CH 428 (1985)
- Covenants not to execute or enforce a judgment, tell court, may tell jury: SB 3871
- Dogs, injury to animals, recovery limit removed: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Good samaritan immunity modified: \*SHB 242, CH 443 (1985)
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- Health care provider negligence, informed consent, side effects: SB 4252
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- Lie detector use to screen employees, damages, fees: \*SB 4302, CH 426 (1985)
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- Natural death act, procedure when no written directive, attorney power: SB 3228, SSB 3228
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- Refrigeration infractions: SB 3579
- Regulatory fairness act, enforcing: SB 3414, SSB 3414
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088
- Settlement offers, including covenants, tell court, and may tell jury: SB 3871
- State, agents of, attorney general to provide defense: SB 3113
- State judge advocate, exclusive remedies established: SB 3880
- Statute of limitations, injuries on the jobsite, 18 months: SB 4275
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- Theft, action brought by person detained, defenses, reasonable grounds: SB 3062
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- Torts and crimes by state militia on federal duty, liability limited: SB 3881
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- Utility services, theft, civil liability: \*HB 758, CH 427 (1985)
- Volunteers of state, AG to provide defense, claims, etc.: \*SHB 124, CH 217 (1985)
- Water rights, attorney fees to prevailing party: HB 22
- Water rights, spouses or family groups considered one defendant for filing and fees: SB 3021
- Wrongful birth, causes of action prohibited: SB 4251
- Wrongful death, stepchildren as potential plaintiffs: \*HB 675, CH 139 (1985)
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- Guns, teaching, etc., use for civil disorders, prohibit: SHB 81
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- Joint center for education, WSU, Clark College, Lower Columbia College, TESC, duties and institutions expanded: \*SHB 1190, CH 408 (1985)
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- Superior court judicial positions, additional created, mandatory arbitration program a condition: SB 3165, \*SSB 3165, CH 357 (1985)

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**COHN, DAVID**

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**COLE, CRAIG**

Member, board of trustees, Western Washington University: GA 19, confirmed	pp. 141, 1174, 1256
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**COLLECTION AGENCIES**

Revenue department may contract with agencies to collect taxes from out-of-state sources: *SHB 1003, CH 414 (1985)	
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**COLLECTIVE BARGAINING**

Correctional officers are covered by uniformed personnel procedures: SB 3526, SSB 3526	
Educational employees collective bargaining, joint labor-management council: SB 3620	
Higher education authorized: SHB 32, SB 3834	

**COLLECTIVE BARGAINING**—cont.

- Hospital districts, collective bargaining labor dispute: SB 3567
- Life support technicians to be covered by uniformed personnel procedures: \*SHB 48, CH 150 (1985)
- Municipal transit workers authorized: SB 3343
- Port district law enforcement agencies included: SB 3375
- Public employees, collective bargaining redefined: SB 3552
- Public transportation employees, political contributions via payroll deductions: \*HB 575, CH 204 (1985), SB 3564
- School employees, union approval for certain transfers of classified staff: SB 4225
- State patrol authorized: SB 3126, SSB 3126
- Successor employers to recognize existing agreements: SB 4330
- Uniformed personnel includes port district or university: SB 3375
- University law enforcement agencies included: SB 3375

**COLLEGES AND UNIVERSITIES** (See also RETIREMENT AND PENSIONS)

- Admission standards established by CPSE, report to legislature: SHB 170, SB 4186
- Admissions, uniform application fee and form, CPSE to develop and report to legislature: SB 4186
- Advisory members on board of regents or trustees: SB 4116
- Affirmative action program to be maintained: SB 3346, \*SSB 3346, CH 365 (1985), SB 4149
- Alcohol awareness pilot program by DSHS directed at ages 15-25: SSB 3037
- Alcohol awareness program authorized, public safety and education account: SB 3037
- Alcohol promotion prohibited on campus: \*SB 3230, CH 352 (1985)
- Art, 1%, final selection to have regent approval: SB 4157
- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Board of regents actions to be published in newspapers: SB 3544, SSB 3544
- Bonds, facilities, ceiling lowered: SB 3053
- Capital projects, general obligation bonds: SSB 3679, 2SSB 3679
- Capital projects, general obligation bonds, special session: HB 1328
- Citizens advisory committee for nonprofit educational corporations or consortia: SB 3546
- Collective bargaining authorized: SHB 32, SB 3834
- Collective bargaining, law enforcement employees are uniformed personnel: SB 3375
- Competitive bidding threshold increased when purchase is research related: \*SHB 391, CH 342 (1985)
- Conflict of interest restrictions: SB 3537
- Consortium act of 1985: SB 3546
- Construction, bids, dollar threshold increased: \*SHB 166, CH 152 (1985), SB 3164
- Construction, thresholds, small works procedure exception: \*SHB 166, CH 152 (1985)
- Contracts, small works roster establishment, optional: \*SHB 166, CH 152 (1985)
- Distinguished professorship program and trust fund created: \*SHB 781, CH 343 (1985)
- Donations to nonprofit teaching or research institutions, use tax exempt: SB 3864
- Entrance requirements, course work: SB 3869
- Federal college savings plan, asking congress to support tax break: \*SJM 110 (1985)
- Fees reset: SSB 3712
- Financial aid, ceiling of 24% eliminated, 1/3 substituted: SB 3132
- Financial aid, commission to manage aid programs: SB 3866
- Financial assistance pilot program for critical economically needed careers: SB 3617, SSB 3617
- Foreign students, tuition and fee waivers, conditions: SB 3278
- Full-time undergraduate student defined for tuition rate: SB 4151

**COLLEGES AND UNIVERSITIES—cont.**

- General obligation bonds authorized for capital projects: SSB 3679, 2SSB 3679  
 General obligation bonds for capital projects, special session: \*HB 1328, CH 4 E1 (1985)  
 Higher education board, council for postsecondary education redesignated: SB 3866  
 Higher education board created, plan and coordinate: SB 3866  
 Higher education commission, manage financial aid programs: SB 3866  
 Higher education coordinating board created, CPSE terminated: \*SSB 3376, CH 370 (1985)  
 Higher education coordinating commission created: SB 3376  
 Internship program for students and state employees established: \*SHB 178, CH 442 (1985)  
 Joint center for education, WSU, Clark College, Lower Columbia College, TESC, duties and institutions expanded: \*SHB 1190, CH 408 (1985)  
 Joint center for higher education, WSU and EWSU programs in Spokane: SHB 494, \*SSB 3376, CH 370 (1985)  
 Land for construction, purchase from DNR: \*SB 3794, CH 200 (1985)  
 Life-cycle cost analysis for public buildings: SB 3018  
 Majors, many eliminated: \*HB 331, CH 218 (1985)  
 Management employee, repeal designation, merit increases, performance evaluations applicable: \*HB 116, CH 461 (1985)  
 Maritime technology program, western interstate compact authorized: SB 3558, SSB 3558  
 Mental sports competition and research commission established: SB 3405  
 Minority participation in graduate programs, federal action to increase: \*SJM 111 (1985)  
 Nonprofit educational corporations or consortia: SB 3546  
 Nonresident students, CPSE to develop admission standards, report to legislature: SB 4186  
 Nursing degrees, granting of, repealed for certain institutions: \*HB 331, CH 218 (1985)  
 Pacific rim foundation created: SB 3034, SSB 3034  
 Personnel board, consolidate with state personnel board: SB 3190  
 Productivity board, higher education representation: \*SHB 220, CH 114 (1985)  
 Publish board of regents actions in newspapers: SB 3544, SSB 3544  
 Purchases services from the private sector: SB 3754  
 Retirement, average annual salary as supplemented by U.S. government: SB 3446  
 Salary increases for administrators, limited by state operating appropriation act: SSB 3056  
 Salary increases, not to exceed average faculty increase: SB 3056  
 Salary surveys, comprehensive, to be completed by September 30th yearly: SB 3180, \*SSB 3180, CH 94 (1985)  
 Services and activities fees, expenditure: SB 3819  
 Single heads of households, higher education opportunities: SB 3444  
 Small business and development center, WSU to work with other educational institutions: SB 3813  
 Small business development center advisory board created: SB 3813  
 Small works roster, establishment optional: \*SHB 166, CH 152 (1985)  
 South African or Namibian products shall not be purchased: SB 3227  
 Teacher certification, board of education to study and report on endorsements: 2SHB 587, \*2SHB 849, CH 420 (1985)  
 Teacher certification, graduate-level professional teacher preparation program: SB 3235  
 Teachers, professional certification requirements, required college work: 2SHB 587

**COLLEGES AND UNIVERSITIES—cont.**

- Teachers, professional preparation programs, required college work: 2SHB 587
- Termination of employment for unsatisfactory work: \*HB 116, CH 461 (1985), SB 3191
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335
- Tuition and fee exemption for military and dependents: \*SB 3357, CH 362 (1985)
- Tuition and fee increase: SB 3142, SSB 3142
- Tuition and fee tax exemption expanded to private colleges: \*HB 1009, CH 135 (1985)
- Tuition and fee waivers, foreign students, conditions: SB 3278
- Tuition and fees, clarifications: \*SB 4185, CH 390 (1985)
- Tuition and fees, installment payments authorized: \*SB 3134, CH 356 (1985)
- Tuition and fees, major revisions: SHB 566
- Tuition and fees to be adjusted annually, phase-in change: SB 4153
- Tuition, general, references changed to building fees: SHB 566
- Tuition rate, full-time undergraduate student defined: SB 4151
- Tuition schedule that distinguished less than 2 and more than 18 credits modified: SB 3140
- Tuition supplement program repealed: \*HB 331, CH 218 (1985)
- Uniformed personnel includes port district or university: SB 3375
- Unsatisfactory or inadequate work, terminate employee and tolerant supervisor: \*HB 116, CH 461 (1985), SB 3191

**COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT 19, BOARD OF TRUSTEES**

- Donald W. McClure, GA nomination as member, withdrawn ..... p. 134
- Geneva U. Davidson, GA nomination as member, withdrawn ..... p. 134
- W. David Shaw, GA nomination as member, withdrawn ..... p. 134
- Reappointed member: GA 49, confirmed ..... pp. 146, 1767, 2085
- Aleene M. Galloway, member: GA 78, confirmed ..... pp. 306, 1382, 2174, 2505
- Charles Michener, member: GA 79, confirmed ..... pp. 306, 1769, 2086

**COLUMBIA RIVER**

- Bonneville dam, locking facility, funds: \*SJM 119 (1985)
- Columbia river user fees opposed, congress to maintain full federal funding of navigation channels: \*SFR 26 (1985)
- Horn Rapids bridge, bond ceiling removed: SB 3054
- Salmon angling license, Oregon reciprocity, boundary clarification: \*SHB 14, CH 174 (1985)

**COLVILLE RESERVATION**

- Criminal jurisdiction, retrocession over certain land: SHB 495, SB 3565

**COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (See also ECONOMIC RECOVERY)**

- Anderson, John C., director: GA 5, confirmed ..... pp. 57, 341, 415
- Agricultural market development advisory committee created: SB 4120
- Agricultural market development advisory committee created: SHB 1234
- Bond ceiling, allocation method: \*SHB 461, CH 446 (1985), SHB 489, SB 3208, SSB 3696
- Business operation cessation, notice procedures: SB 3016
- Capital projects office to promote commerce in international markets: SB 4210
- Centennial commission program includes destination tourism: \*SSB 4361, CH 291 (1985)
- Centennial partnership commission created, advisory: SSB 4100
- Centennial partnership projects, destination tourism or state marketing facilities: SSB 4100
- Community revitalization team for distressed areas: \*2SHB 738, CH 229 (1985)

**COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF—cont.**

Economic development coordinating council: SB 3614

Economically depressed areas, centennial partnership projects, tourism, marketing: SSB 4100

High-technology coordinating board, develop education and training needs: SB 3630, \*SSB 3630, CH 381 (1985)

High-technology coordinating board, membership and duties changed: SB 3630, \*SSB 3630, CH 381 (1985)

International trade office, name changed to office of foreign trade: SSB 3392

Market development role for state products and technology: SB 4120

Market development role for state products defined, agriculture distinguished: \*SHB 1234, CH 159 (1985)

Name changed to trade and economic development: \*SHB 625, CH 466 (1985)

Private activity bonds, allocation by CERB and DCED: \*SHB 461, CH 446 (1985), SSB 3696

Public works assistance program of CERB, DCD to give staff support: \*SHB 461, CH 446 (1985), SSB 3696

Seed capital defined: \*HB 943, CH 269 (1985)

Small business office created with the department of trade and economic development: \*SHB 625, CH 466 (1985)

State's role in market development defined, agriculture distinguished: \*SHB 1234, CH 159 (1985)

State's role in market development for products and technology: SB 4120

Technology exchange established: \*HB 943, CH 269 (1985)

Termination repealed: SB 3392

Tourism development partnership capital fund, custody of commerce and economic development department: SSB 4100

Tourism duties of department of trade and economic development set forth: \*SHB 625, CH 466 (1985)

Tourism included in centennial commission program: \*SSB 4361, CH 291 (1985)

**COMMISSIONS**

Agricultural finance commission established: SB 3378, SSB 3378

Agricultural irrigation commission, formation authorized: SB 3286

Boxing commission terminated: SB 3026

Captain George Vancouver bicentennial commission created: SB 3461

Centennial partnership commission created, advisory: SSB 4100

Creation of new, criteria for establishing: SB 3820

Escrow commission duties enlarged: \*SHB 190, CH 340 (1985)

Fair competition review commission, examine private enterprise benefits: SB 3010

Higher education coordinating commission created: SB 3376

Higher education financial aid commission to manage aid programs: SB 3866

Home schools, church schools, temporary commission to study: SB 3550

Juvenile disposition standards, adopt: SCR 104

Local governance study commission created: \*SSB 4399, CH 388 (1985)

Mental sports competition and research commission established: SB 3405

Resource lands commission created: SB 3492

Seismic safety commission created: SHB 493, SB 3488

Sportsmen's commission, archery, skeet, target practice, dog training, etc.: SB 3493

Vocational education commission fire duties to new fire board: \*SSB 3856, CH 470 (1985)

Waste water treatment commission established: SB 4297

Wrestling commission created: SB 3026

**COMMITTEES (See also GUBERNATORIAL APPOINTMENTS; LEGISLATURE)**

Acupuncture advisory committee created: \*SSB 4358, CH 326 (1985)

Agricultural market development advisory committee created: SB 4120

**COMMITTEES—cont.**

- Agricultural market development advisory committee created: SHB 1234
- Agricultural market research advisory committee to IMPACT center created: SB 4130
- B & O tax, new and more equitable measure, joint committee to propose: SB 4296
- Boating advisory committee established: SB 3157
- Career ladder committee: SB 3621, SB 4175
- Child support, joint legislative committee, repealed: \*SB 3852, CH 294 (1985)
- Citizens advisory committee for nonprofit educational corporations or consortia: SB 3546
- Community development block grant funds, development loan fund committee duties: \*SHB 855, CH 164 (1985)
- Economic development, legislative committee created: \*2SHB 627, CH 467 (1985), SB 4211, SSB 4211
- Economic development, legislative committee, sunset provisions: SSB 4211
- Educational excellence, advisory committee on research and development: SB 3235, \*SSB 3235, CH 349 (1985)
- Emergency expenditures, joint committee to allocate funds: SJR 101
- Energy and utilities, joint committee abolished: SB 3213
- Ferry advisory committees authority enhanced: SB 3215
- Ground water management advisory committee: \*SHB 232, CH 453 (1985), SB 4200
- Health care cost containment, joint select committee: SCR 110
- Industrial insurance, joint select committee established: \*SCR 114 (1985)
- Job creation and economic development via development loan fund committee: \*SHB 855, CH 164 (1985)
- Oral history advisory committee created: SB 3629
- Physical therapy assistants advisory committee: SB 3466
- Preschool advisory committee to assist DCD with preschool program: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Private activity bond ceiling allocation committee: SHB 489, SB 3208
- Public retirement, joint interim committee, continue: HCR 3, SCR 111
- Records committee to include OFM representative: SHB 612, \*SB 3818, CH 192 (1985)
- River rafting advisory committee: SB 3554
- Science and technology, joint committee extended: SCR 103
- Securities advisory committee membership modified: SB 3048, SSB 3048
- State building code, technical advisory committee created: SB 3261
- Telecommunications regulation, joint committee extended: HCR 7, \*SCR 101 (1985)

**COMMON CARRIERS**

- Consumer advocate office on utilities and transportation: SB 3281
- Consumers' counsel office established in the AG's office: SB 4173
- Consumers' utility board established: SB 4173
- Federal heavy vehicle use tax for state vehicle registration: \*HB 398, CH 79 (1985)
- Fleet registration, IRP plan: \*SB 3601, CH 380 (1985)
- Haulers, primary agricultural haulers defined, WUTC jurisdiction: SB 3521
- Licensing reciprocity revised for commercial motor vehicles: \*SB 3401, CH 173 (1985)
- Load requirements modified: \*SB 3120, CH 351 (1985)
- Motor freight carriers, trucking deregulated: SB 4272
- Overloading of private carrier buses prohibited: SB 3581
- Parcel/package delivery, certain vehicles subject to WUTC jurisdiction: SB 3522
- Passenger charter carriers, redefined, regulated: SB 3523
- Primary agricultural haulers defined, WUTC jurisdiction: SB 3521
- Private carriers, standards to be established by state patrol: \*SHB 660, CH 333 (1985)

**COMMON CARRIERS—cont.**

- Proportional registration and reciprocity, IRP plan: \*SB 3601, CH 380 (1985)
- Public transportation authority, common carrier for WUTC safety jurisdiction: SB 3291
- Rates, etc., reflect market place needs: SB 4272
- Splash and spray from heavy commercial vehicles, review need: SB 3795
- Splash and spray from trucks, semis, etc., review need: SSB 3795
- Tractor-trailer combinations, length requirements modified: \*SB 3120, CH 351 (1985)
- Truck tractors, freight compartments allowed: SHB 137, SB 3341, SSB 3341
- Trucking deregulated: SB 4272

**COMMUNITY COLLEGE, BOARD OF EDUCATION**

- Robert T. Greene, GA nomination as member, withdrawn . . . . . p. 133
- Dorothy Plath, GA nomination as member, withdrawn . . . . . p. 133
- Marian May Gerstle, member: GA 71, confirmed . . . . . pp. 305, 1025, 1096
- Dr. Max M. Snyder, member: GA 72, confirmed . . . . . pp. 305, 1025, 1096

**COMMUNITY COLLEGES**

- Affirmative action program to be maintained: SB 3346, \*SSB 3346, CH 365 (1985), SB 4149
- Alcohol awareness pilot program by DSHS directed at ages 15–25: SSB 3037
- Alcohol awareness program authorized, public safety and education account: SB 3037
- Alcohol promotion prohibited on campus: \*SB 3230, CH 352 (1985)
- Art, 1%, final selection to have regent approval: SB 4157
- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Bond issuance for capital purposes: SB 4133
- Bonds, facilities, ceiling lowered: SB 3053
- Budget process, private fund sources not to be considered: SB 4318
- Capital projects, funded from timber tax: SB 4230
- Capital projects, general obligation bonds: SSB 3679, 2SSB 3679
- Capital projects, general obligation bonds, special session: HB 1328
- Collective bargaining authorized: SHB 32, SB 3834
- Common school trust land exchange, DNR and community colleges: \*HB 169, CH 168 (1985)
- Community college development districts, repealed: \*HB 331, CH 218 (1985)
- Community college district 12, study splitting district: \*SFR 30 (1985)
- Conflict of interest restrictions: SB 3537
- Contractual arrangements between school districts, community colleges, voc-tech institutes, ESDs, and private providers: SB 3514
- Displaced homemaker program placed with community colleges, not CFPSE: SB 3866
- District 12 split, study by state board: \*SFR 30 (1985)
- Federal college savings plan, asking congress to support tax break: \*SJM 110 (1985)
- Fees reset: SSB 3712
- Full-time undergraduate student defined for tuition rate: SB 4151
- General obligation bonds authorized for capital projects: SSB 3679, 2SSB 3679
- General obligation bonds for capital projects, special session: \*HB 1328, CH 4 E1 (1985)
- High school completion programs, state residency waived: \*SB 4152, CH 198 (1985)
- High technology educational programs: SB 3610

**COMMUNITY COLLEGES—cont.**

- Higher education coordinating board created, CPSE terminated: \*SSB 3376, CH 370 (1985)
- Higher education coordinating commission created: SB 3376
- Industrial training program for new and expanded industries: SB 4112
- Internship program for students and state employees: \*SHB 178, CH 442 (1985)
- Land exchange, DNR and community colleges: \*HB 169, CH 168 (1985)
- Land for construction, purchase from DNR: \*SB 3794, CH 200 (1985)
- Life-cycle cost analysis for public buildings: SB 3018
- Literacy, adult literacy program: SB 3517, SSB 3517
- Literacy, state advisory literacy coalition: SB 3517, SSB 3517
- Management employee, repeal, merit increases, performance evaluations applicable: \*HB 116, CH 461 (1985)
- Mental sports competition and research commission established: SB 3405
- New businesses in distressed areas, community colleges to provide needed classes: SB 4154
- Pooling of resources among districts, community colleges, etc., incentives: SB 3514
- Productivity board, higher education representation: SHB 220
- Residency requirements waived for high school completion program enrollees: \*SB 4152, CH 198 (1985)
- Retraining and reeducation in areas of high unemployment, emergency pilot vocational training program: \*SHB 1207, CH 437 (1985)
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Salary increases, not to exceed average faculty increase: SB 3056
- Salary surveys, comprehensive, to be completed by September 30th yearly: SB 3180, \*SSB 3180, CH 94 (1985)
- Small business assistance centers, WSU to coordinate: SB 3609
- Small business development center may contract with community colleges: SB 3813
- Tax on property for capital purposes authorized: SB 4133
- Termination of employment for unsatisfactory work: \*HB 116, CH 461 (1985), SB 3191
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335
- Treasurers, initial biennial advance, amount increased: \*HB 152, CH 180 (1985)
- Tuition and fee exemption for military and dependents: \*SB 3357, CH 362 (1985)
- Tuition and fee increase: SB 3141
- Tuition and fee waivers, ceiling increased from 3 to 4%: SB 3139
- Tuition and fees, clarifications: \*SB 4185, CH 390 (1985)
- Tuition and fees, formulas adjusted, increased from \$127 to \$223: SB 4133
- Tuition and fees to be adjusted annually, phase-in change: SB 4153
- Tuition rate, full-time undergraduate student defined: SB 4151
- Twenty-fourth community college district created: SB 3433
- Unsatisfactory or inadequate work, terminate employee and tolerant supervisor: \*HB 116, CH 461 (1985), SB 3191
- Vocational education programs transferred to: SB 3866
- Vocational training, emergency pilot program, areas of high unemployment: \*SHB 1207, CH 437 (1985)

**COMMUNITY DEVELOPMENT DEPARTMENT**

- Dunn, Patrick N., GA nomination as director, withdrawn ..... p. 55
- Thompson, Richard J., appointed director:
- GA 2, confirmed ..... pp. 56, 375, 428, 436, 460, 948

**COMMUNITY DEVELOPMENT DEPARTMENT—cont.**

- Bonds, local government bond information to be published by DCD: \*SHB 831, CH 130 (1985)
- Businesses, siting of, DCD to facilitate: \*HB 830, CH 85 (1985), SB 3412
- Community development block grant funds, development loan fund committee duties: \*SHB 855, CH 164 (1985)
- Community revitalization team for distressed areas: \*2SHB 738, CH 229 (1985)
- Early childhood education, office established in SPI: SB 3518, SSB 3518
- Emergency food program established: SB 4261
- Emergency shelter program for the homeless: SB 3774
- Employee—ownership assistance program: \*SHB 577, CH 263 (1985)
- Feasibility study of innovative financing and development alternatives: SSB 3798
- Food programs, emergency assistance, funding: SB 4261
- Job creation and economic development via development loan fund committee: \*SHB 855, CH 164 (1985)
- Local governance study commission created: \*SSB 4399, CH 388 (1985)
- Obsolete statutory references, clean-up bill: \*SB 3040, CH 6 (1985)
- Preschool advisory committee to assist DCD with preschool program: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Preschool, state education and assistance program for at-risk children: \*2SHB 1078, CH 418 (1985), SSB 4243
- Preschool, transition program, state-supported preschool education and assistance: SB 4243
- Preschools, disadvantaged, at-risk, office of early childhood education and DCD to communicate: SSB 3518

**COMMUNITY ECONOMIC REVITALIZATION BOARD**

- Community development block grant funds, development loan fund committee duties: \*SHB 855, CH 164 (1985)
- Economic development account of the motor vehicle fund created: \*SHB 863, CH 433 (1985)
- Grants and loans for economic development: \*SHB 461, CH 446 (1985)
- Job creation and economic development via development loan fund committee: \*SHB 855, CH 164 (1985)
- Membership of board altered: \*SHB 461, CH 446 (1985), SSB 3696
- Private activity bond subcommittee of CERB created, allocation method provided: \*SHB 461, CH 446 (1985), SSB 3696
- Private activity bonds, allocation by CERB and DCED: \*SHB 461, CH 446 (1985), SSB 3696
- Public works assistance program, DCED to provide staff to CERB: \*SHB 461, CH 446 (1985), SSB 3696
- Public works financing power enhanced: \*SHB 461, CH 446 (1985), SSB 3696
- Public works subcommittee of CERB created: SSB 3696
- Sunset of chapter extended one year: \*SHB 461, CH 446 (1985), SB 3861
- Transportation improvements necessitated by planned economic development, funds: \*SHB 863, CH 433 (1985)

**COMMUNITY PROPERTY**

- Military retirement benefits, modification of settlement authorized: SB 3211

**COMMUNITY RIGHT-TO-KNOW**

- Procedures: \*SHB 1170, CH 409 (1985)

**COMPARABLE WORTH**

- Schools, comparable worth assessment project: SB 4144

**COMPETITIVE BIDDING**

- Architectural and engineering, bidding for services over \$5,000: SB 3767
- Art in public buildings: SB 3009
- Attorney general personal service contracts: SB 3388

**COMPETITIVE BIDDING—cont.**

- Cities, bidding requirements revised, threshold raised, exclusions: \*HB 576, CH 219 (1985), SB 3399
- Cities, counties, contract awarding, consider transport cost and potential tax revenue: SB 3398
- Cities, emergency work performance, procedure: \*HB 576, CH 219 (1985), SB 3399
- Colleges and universities, threshold increased for research related purchases : \*SHB 391, CH 342 (1985)
- Competitive sealed proposals: SHB 393, SB 3474
- County road administration requirements revised: SB 3356, \*SSB 3356, CH 369 (1985)
- Highway construction, improvement, or repair, prequalification: SB 4247
- Highway contract bids, lowest, determination, elements, etc.: SB 3824
- Performance-based contracts for energy equipment and services authorized: \*HB 949, CH 169 (1985)
- Personal service contracts, attorney general: SB 3388
- Personal service contracts, open competition: SB 3256
- Public purchases by colleges and universities, threshold increased for research purposes: \*SHB 391, CH 342 (1985)
- Public purchases, threshold increased: SB 3475
- Public works by special state financing, comply with competitive bidding: \*SHB 461, CH 446 (1985), SSB 3696, SSB 3798
- Public works, cities, threshold raised, exclusions: \*HB 576, CH 219 (1985), SB 3399
- School bidding procedures modified: \*SB 4206, CH 324 (1985)

**COMPUTERS**

- Compatibility among state systems by DPA: SB 3777
- DPA, compatibility among state systems: SB 3777
- DPA, responsibility to provide for interchange and sharing of state's computer resources: SSB 3777
- Interchange and sharing of state's resources, DPA responsibility: SSB 3777
- Missing children data to be filed into computer within 12 hours of notice: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
- Schools to provide via computer employment and post-high school opportunities: SB 3519
- Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875

**CONCURRENT RESOLUTIONS**

- Bills returned to house of origin special session: \*SCR 122 (1985)
- Bills to be returned to their house of origin: \*SCR 120 (1985)
- Bills to retain number and status: \*SCR 121 (1985)
- Cut-off dates: \*SCR 105 (1985)
- Cut-off dates amended: SCR 117
- Deceased legislators, joint session for memorial service: \*HCR 4 (1985)
- Gasoline dealers, independent, joint select committee to study: SCR 118
- Governor notified that the legislature is organized: \*SCR 102 (1985)
- Health care cost containment, joint select committee: SCR 110
- High level and defense nuclear waste, transportation liability: \*SCR 109 (1985)
- High school, competitive entry residential, joint study: SCR 112
- International, trade, tourism, and investment, joint select committee: SCR 115
- Joint committee on telecommunications regulation extended: \*HCR 7 (1985), \*SCR 101 (1985)
- Joint interim committee in public retirement, continue: HCR 3, SCR 111
- Joint rules of the house and senate adopted: \*SCR 107 (1985)
- Joint select committee on industrial insurance established: \*SCR 114 (1985)
- Joint select committee on international trade, tourism, and investment: SCR 115
- Joint session for inaugurating Governor-elect Gardner: \*HCR 1 (1985)
- Joint session for state of the state: \*HCR 1 (1985)

**CONCURRENT RESOLUTIONS—cont.**

- Judicial retirement system, study by legislature: SCR 119
- Juvenile disposition standards, adopt: SCR 104
- Model conservation standards, delay implementation: SCR 116
- Needs assessment and planning guide for common school construction and maintenance: SCR 108
- Nuclear waste policy act of 1982, priority to causes of action: SCR 106
- Public retirement, joint interim committee, continue: HCR 3, SCR 111
- Science and technology, joint committee extended: SCR 103
- Shipbuilding and ship repair industries, requesting assistance: SCR 113
- Sine die, committee formed to notify governor: \*HCR 13 (1985)
- Sine die, special session: \*HCR 15 (1985)
- Special session, committee formed to notify governor that legislature is ready to begin: \*HCR 14 (1985)

**CONFLICT OF INTEREST**

- State officers and employees, restrictions: SB 3537

**CONNER, SENATOR PAUL H.**

- Oath of office . . . . . p. 3
- Remarks by President . . . . . p. 3
- Appointed member, human services and corrections, natural resources, rules and transportation committees . . . . . p. 15
- Offered morning prayer . . . . . p. 1919
- Appointed interim member legislative transportation committee . . . . . p. 2636

**CONSERVATION**

- Conservation commission, matching grant program for conservation districts: SB 3379, SSB 3379
- Eagle buffer zone, farming exempt: SB 3237
- Energy development and financing, Northwest interstate compact: SHB 744
- Energy-efficient homes, 1st sale, real estate excise tax exempt: SB 3203
- Matching grant program for conservation districts: SB 3379, SSB 3379
- Model conservation standards, delay implementation: SCR 116
- Model conservation standards, new houses, noncompliance, refuse electric service connection: SB 4207, SSB 4207
- Northwest interstate compact on energy development and financing: SHB 744
- Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197, SB 3263
- Oil, recycling, above-ground tanks authorized: HB 37
- Performance-based contracts for energy equipment and services authorized: \*HB 949, CH 169 (1985)
- Recycling used oil, above-ground tanks authorized: HB 37
- Ride-sharing vehicles, tax exemption extended: SB 4234
- Solid waste management fund, user fees: SHB 486
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335
- Tire recycling program established: \*SHB 804, CH 345 (1985), SB 3863
- Waste systems for renewable energy or energy savings, bond reduction: SB 3265, SSB 3265, 2SSB 3265
- Water heater temperatures, apartments with central systems exempt: \*HB 34, CH 119 (1985), SB 3206
- Youth development and conservation corps to clean up Sound and protect shellfish: 2SHB 1068

**CONSERVATION CORPS**

- Administrative expenditures restricted for projects: SB 3568
- Funding for economically distressed areas, conservation corps: \*SHB 760, CH 230 (1985)

**CONSERVATION CORPS—cont.**

- Nonprofit corporations which provide specific services, reimbursement of absorbable costs: SSB 3568
- Youth development and conservation corps to clean up sound and protect shellfish: 2SHB 1068

**CONSTITUTIONAL AMENDMENTS**

- Agricultural commodity assessments, for trade promotion and promotional hostings, a public use: \*HJR 42 (1985), SJR 124, SSJR 124
- Attorney generals ballot title statement, 75 versus 20 words: SB 3310, \*SB 3436, CH 252 (1985)
- Bond issue, 3/5ths voter approval as with other additional property tax levies: SJR 114
- Budget stabilization account: SJR 126
- Commodity commission assessments for trade promotion and promotional hostings, a public use: \*HJR 42 (1985), SJR 124, SSJR 124
- Counties, alteration of, population limits: SHJR 25
- Counties, new, petition procedure: SHJR 25
- Current use valuation of low-income housing: SJR 128
- Emergency expenditures, joint committee to allocate funds: SJR 101
- Emergency expenditures, legislature may establish agency to control: SJR 101
- Excise taxes, new or increased, 3/5ths vote needed: SJR 112
- Expenditures limited, appropriation formula based on income and population: SJR 115
- General and equivalent public school system: SJR 117
- Home rule charters, procedures for adoption established: SJR 103, SSJR 103
- House of representatives terms, 4 years: SJR 120
- Industrial insurance trust funds, investment authorized: \*HJR 12 (1985), SJR 107
- Investment of public lands permanent funds authorized: SJR 111
- Legal advertising of amendments, revisions: SB 4198
- Lending of credit prohibition modifications, legislature may vote 60%: SJR 104
- Low-income housing, current use assessment: SJR 128
- Notice of proposed amendments, same manner as initiatives: SJR 127
- Parents' rights as inviolate: SJR 130
- Public employee benefit formulas, modifications require 60% vote: SJR 110
- Public improvements, indebtedness, tax levies on benefit property: SJR 105
- Public improvements, taxing districts authorized: \*HJR 23 (1985)
- Public lands permanent funds, investment authorized: SJR 111
- Rainy day reserve account: SJR 116
- Ratifying U.S. constitutional amendment, Washington D.C. voting rights: SJR 109
- Reorganization of state government: SJR 118
- Reorganization of state government, allocate among 25 agencies: SHJR 6
- Retirement system benefits, increases must have 2/3rds vote and appropriation: SJR 121
- Retirement, unfunded liability, 29 year amortization: SHJR 30
- School levies, 40% validation requirement modified, 3/5ths vote only: \*HJR 22 (1985), SJR 122
- School system, general and equivalent: SJR 117
- Search and seizure law, adopt federal: SJR 119
- Senate terms, six years: SJR 120
- Sex abuse, child victims exempt from face to face trial confrontations: SJR 102
- State agencies to be allocated among 25 agencies, except elected offices: SHJR 6
- State employment limited: SJR 129
- Superintendent of public instruction, appointment provided for: SJR 108, SJR 113
- Tax increment financing: \*HJR 23 (1985)
- Tax reform, sales tax, food tax, B & O, property tax, income tax, farm products: SJR 106
- U.S. constitutional amendment to limit bill amendments: SJR 125

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Voting rights for Washington D.C., ratifying: SJR 109  
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Antitrust and unfair and deceptive business practices, legislative intent clarified: \*SHB 46, CH 401 (1985)  
 Boat design pirating, penalty, attorney fees: SB 3910  
 Consumers' utility board established: SB 4173  
 Deceptive business practices, legislative intent clarified: \*SHB 46, CH 401 (1985)  
 Dietetic services registration act, diet plans, etc.: SB 3451  
 Flour and bread requirements modified: \*SB 4122, CH 25 (1985)  
 Health clubs, protection for purchasers of services: SSB 3161  
 Health studios, protection for purchasers of services: SB 3161  
 Hearing aid rebates prohibited: SB 3559  
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 Motor vehicle fuel franchises, restrictions: SB 3418  
 Organic food products, standards established: \*SHB 297, CH 247 (1985)  
 Real estate brokers and salespersons: SB 4159  
 Unfair and deceptive business practices, legislative intent clarified: \*SHB 46, CH 401 (1985)  
 Used motor vehicles, sales regulated: SB 3381  
 Used motor vehicles, warranty: SB 3380  
 Utilities and transportation, consumer advocate office created: SB 3281  
 Utility rate review etc., consumers' counsel office in AG's office: SB 4173  
 Warranties, privity, parties who may use, consume, or be affected: SB 3908  
 Warranty for used motor vehicles: SB 3380

**CONTRACTORS (See also GENERAL ADMINISTRATION; PUBLIC WORKS)**

Affirmative action plan by banks who hold or invest state funds: SB 3345, SSB 3345  
 Affirmative action plan, submitted by state contractors and subcontractors: SB 3345, SSB 3345  
 Building construction, goods and services used are tax exempt: SB 3561  
 Cities, counties, contract awarding, consider transport cost and potential tax revenue: SB 3398  
 Competitive sealed proposals: SHB 393, SB 3474  
 Consultants of certain agencies to comply with financial reporting requirements: SB 3107  
 Fair competition review commission, examine private enterprise benefits: SB 3010  
 Farm labor contractors, agricultural employees, regulated: \*SHB 199, CH 280 (1985)  
 Financial advisors of certain agencies to comply with financial reporting requirements: SB 3107  
 Highway construction, improvement, or repair, prequalification: SB 4247  
 Highway contract bids, lowest, determination, elements, etc.: SB 3824  
 Legal advisors of certain agencies to comply with financial reporting requirements: SB 3107  
 Minority and women's business enterprises office, terminating: SB 3299  
 Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197, SB 3263  
 Personal service contract guidelines, monitoring, and evaluation: SHB 317  
 Personal service contracts, open competition, OFM and LBC to provide regulations: SB 3256  
 Prequalification, contractors for public highway construction, improvement, or repair: SB 4247  
 Public disclosure, state money received subject to state prohibitions: SB 3101  
 Sales representations, contracts and commissions regulated: SB 3255, SSB 3255  
 Small works roster, establishment by colleges, optional: \*SHB 166, CH 152 (1985)

**CONTRACTORS—cont.**

Small works roster, revised every year versus every 6 months: \*HB 250, CH 154 (1985)

Solid waste disposal facilities, contracts with private industry authorized: SB 3560

**CONTRACTS** (See also specific subject)

Cities, counties, contract awarding, consider potential tax revenue: \*SSB 3398, CH 72 (1985)

**CONVENTION AND TRADE CENTER—KING COUNTY**

Board members, compensation and travel expenses: \*SB 3762, CH 233 (1985)

Bonds, more than one offering authorized: \*SB 3762, CH 233 (1985)

Funds to be administered as an enterprise fund: \*SB 3762, CH 223 (1985)

**CONVENTION CENTERS**

Pacific northwest festival facility, repeal: SB 3055

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GA nomination as trustee, Everett community college,

district 5, withdrawn ..... p. 133

Reappointed member, board of trustees,

Everett community college district 5:

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**COOPERATIVES**

Employee-ownership assistance program: \*SHB 577, CH 263 (1985)

**CORONERS**

Autopsies, post mortem reports, family members may view: SB 3210

Autopsies, post mortem reports, family members or personal representative may view report: SHB 44, SB 3220, \*SSB 3220, CH 300 (1985)

Self-defense, law enforcement inquests, state to reimburse officer if conduct justified: SB 3090, SSB 3090

**CORPORATIONS**

Agricultural finance commission established: SB 3378, SSB 3378

Business, shares, procedure: SB 3580, \*SSB 3580, CH 290 (1985)

Developmental disabilities, state-wide protection and advocacy agency established: SHB 820

Economic development programs with nonprofit corporations, public purpose: SHB 802, \*SB 3214, CH 92 (1985)

Employee-ownership assistance program: \*SHB 577, CH 263 (1985)

Filing fees modified: SB 3580, \*SSB 3580, CH 290 (1985)

General authority modified: SB 3580, \*SSB 3580, CH 290 (1985)

Health care professionals, nonprofit nonstock corporations authorized: SB 3069, \*SSB 3069, CH 431 (1985)

Insurance holding corporations, domestic, meetings, director removal, amendments, modified: \*SB 3427, CH 364 (1985)

Mental sports competition and research commission established: SB 3405

Nonprofit corporations, economic development programs are a public purpose: \*SB 3214, CH 92 (1985)

Nonprofit educational corporations or consortia: SB 3546

One-stop master license program expanded: SB 3410

Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)

Shares, procedures: SB 3580, \*SSB 3580, CH 290 (1985)

Transactions, authorization, ratification, approved, liability: SB 3580, \*SSB 3580, CH 290 (1985)

Western library network to be formed: SB 3047, \*SSB 3047, CH 21 (1985)

**CORRECTIONS** (See also JAILS; PROBATION AND PAROLE)

- Assault by resident or patients, employee reimbursement: SB 3188, SSB 3188, 2SSB 3188
- Civil rights restoration, when: SB 4301
- Collective bargaining, corrections officers are "uniformed personnel": SB 3526, SSB 3526
- Community based rehabilitation facility, job training, employment counseling: SB 4322
- Community service programs, industrial insurance reimbursement: SSB 3971
- Criminally insane, tracking system for those on conditional release: SB 3197
- Employees, early retirement for those in state institutions: SB 3195
- Escapees, notice of release to law, victims, witnesses: \*SHB 848, CH 346 (1985)
- Fingerprints, responsibility to transmit modified: \*SB 3596, CH 201 (1985)
- Health care education program by certain agencies: SB 4240
- Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)
- Inmate grievances: SB 3503, SSB 3503, 2SSB 3503
- Institutional care employees, assault by resident or patient, reimbursement: SB 3188, SSB 3188, 2SSB 3188
- Institutional employees, early retirement: SB 3195
- Institutional impact account, reimbursement criteria modified: SB 3233
- Institutional industries, industrial insurance for community service programs, reimbursement: SSB 3971
- Institutional industries may purchase products and services for resale: \*HB 268, CH 151 (1985), SB 3147
- Institutional industries, production plan for commodities, interstate arrangements: SHB 594
- Institutional industries, state purchase required: SHB 594
- Job training and employment counseling, community based rehabilitation program: SB 4322
- Juveniles, may not be confined in adult jails or holding facilities, conditions: SB 4229, \*SSB 4229, CH 50 (1985)
- Mental health records, disclosure to persons in possible danger by patient: SB 3507, SSB 3507
- Monroe reformatory age limitation deleted: \*SSB 3146, CH 350 (1985)
- Names of institutions updated: SB 3146, \*SSB 3146, CH 350 (1985)
- Notice of release or escape of violent offenders to law, victims, witnesses: \*SHB 848, CH 346 (1985)
- Ombudsman office created: SB 3151
- Physicians, out-of-state license, limited license may be granted for state institution employment: \*SB 3829, CH 322 (1985)
- Prison work program, effectiveness, report to legislature: SHB 594
- Purdy, corrections department uses rent-free: \*HB 169, CH 168 (1985)
- Rehabilitation facility pilot program: SB 4322
- Secure facilities, DSHS and corrections to review western and eastern state hospital: 2SHB 348
- Sentenced felon jail forecast: \*SB 3596, CH 201 (1985)
- Sexual psychopaths, release, need superintendent's recommendation: 2SHB 348
- Single cell requirement delayed until 1987: \*SSB 3146, CH 350 (1985)
- Special adult supervision programs repealed: \*SB 3148, CH 52 (1985)
- Western and eastern state hospital, DSHS and corrections to review security: 2SHB 348
- Work programs, food fish, shellfish, and game rearing: SB 3207, \*SSB 3207, CH 286 (1985)

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- Michael D. Coan, GA nomination as member, withdrawn . . . . . p. 133  
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 Admission standards established by CPSE, report to legislature: SHB 170, SB 4186  
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 legislature: SB 4186  
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 3866  
 Financial aid duties and programs to the higher education commission: SB 3866  
 Higher education coordinating board created, CPSE terminated: \*SSB 3376, CH  
 370 (1985)  
 Higher education coordinating commission created: SB 3376  
 Nonresident students, CPSE to develop admission standards, report to legislature:  
 SB 4186  
 Redesignated higher education board: SB 3866  
 Salary increases, not to exceed average faculty increase: SB 3056  
 Single heads of households, higher education opportunities: SB 3444  
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 Vocational education programs transferred to community college board: SB 3866  
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 3444

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- Apprenticeship councils, ad hoc joint advisory: SB 4224  
 Aquaculture advisory council created: \*SB 3067, CH 457 (1985)  
 Aquifer-groundwater benefit protection council created: SB 3470  
 Athletic health care and training council, powers and duties modified: SB 3317,  
 SSB 3317  
 Economic development coordinating council: SB 3614  
 Educational employees collective bargaining, joint labor-management council:  
 SB 3620  
 Home care advisory council, governor appoints: SB 4218  
 Human intellect, state council on, created: SB 3421  
 Right-to-know advisory council to include migrant labor organization represen-  
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 Tourist information council created, regulate signs on primary and scenic high-  
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- Conciliation counselors, minimum qualifications: SB 3252  
 Family conciliation court procedures revised: SB 3252

**COUNSELORS**—cont.

- Records disclosure, persons in possible danger by patient: SB 3507, SSB 3507
- Registration and certification of mental health professionals: SHB 470, SB 3901
- Sexual assault, crime victims compensation, provide counseling for victims: \*SHB 242, CH 443 (1985), SSB 3200, 2SSB 3200
- Vocational rehabilitation counselors, review effectiveness: SB 3836
- Vocational rehabilitation requirements: SB 4193

**COUNTIES** (See also LAND USE PLANNING; STATE AND PUBLIC EMPLOYEES)

- AA, sheriffs exempt from civil service: \*SHB 203, CH 429 (1985)
- Alteration, population limits: SHJR 25
- Annexation by code cities of unincorporated federal areas: \*SHB 253, CH 105 (1985)
- Aquifers, sole-source, protection, county power accompanies water/sewer authority: SB 3428
- Aquifers, sole-source, protection program, county may impose charge: SB 3428
- Audits may be performed by private CPAs: SB 3358
- Automobiles, confidential plates, accountability enhanced: SB 3030
- Boat registration fee modified, excise tax repealed: SB 3157
- Bonds, short-term obligations in anticipation of general obligations are not in anticipation of taxes: \*SB 3826, CH 71 (1985)
- Businesses, siting of, DCD to facilitate: \*HB 830, CH 85 (1985), SB 3412
- Capital improvements board established: SB 4147
- Community development block grant funds, development loan fund committee duties: \*SHB 855, CH 164 (1985)
- Community service programs, industrial insurance reimbursement: SSB 3971
- Contract awarding, consider potential tax revenue: \*SSB 3398, CH 72 (1985)
- Contract awarding, consider transport cost and potential tax revenue: SB 3398
- County coroner duties transferred to medical examiner: SB 3805
- County seat removal, file petition 6 months prior to election: \*SHB 4, CH 145 (1985), SB 3490
- County seat removal, financial impact study: \*SHB 4, CH 145 (1985), SB 3490
- County seat removal, if election fails wait 10 years: SB 3490
- County seat removal, if election fails, wait 8 years: \*SHB 4, CH 145 (1985)
- County tax on nonresidents employed in state repealed: \*HB 132, CH 179 (1985)
- Creation of new, petition procedure: SHJR 25
- Credit cards may be used for taxes, fees, fines, etc.: SB 3257
- Crime prevention districts: SB 4329
- Criminal justice assistance account: SB 3764, SSB 3764, 2SSB 3764
- Debt limit raised: HB 25
- Distressed counties, CERB to spend 20% of loans and grants for projects: \*SHB 461, CH 446 (1985)
- Dog tax modified: SB 3309, \*SSB 3309, CH 91 (1985)
- DWI offenders, community service, liability insurance may be purchased: SB 3417
- Economic development programs with nonprofit corporations, public purpose: SHB 802, \*SB 3214, CH 92 (1985)
- Emergency medical care and services, voter approved property levy: SB 3857
- Energy code, revised state energy code: \*SHB 1114, CH 144 (1985)
- Energy code to be in effect in all cities, counties: SB 4268, SSB 4268
- Environmental coordination procedures act, special purpose districts included: SB 3351
- Family conciliation court, joint-county operations authorized: SB 3252
- Family court, joint operations by counties authorized: SSB 3252
- Ferry advisory committees authority enhanced: SB 3215
- Flood plain management, DOE to adopt rules: \*SHB 380, CH 454 (1985)
- Forest reserve fund distribution, 50% schools, 50% county roads: SB 3145, \*SSB 3145, CH 311 (1985)

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- Gambling tax, authorized rate modified: \*SB 3486, CH 172 (1985), SB 3835
- Game land, in-lieu of property taxes, authority removed: SB 3563
- Guns, state preemption of regulation: SB 3449, \*SSB 3450, CH 428 (1985)
- Health departments, combined city-county, revisions: SB 3359
- Health departments, combined, director of public health authority revised: SB 3359
- Health, public health director appointment modified: \*SHB 94, CH 124 (1985)
- Highway contract bids, lowest, determination, elements, etc.: SB 3824
- Highways, state-owned, counties may make improvements: \*SHB 187, CH 400 (1985), SB 3280, SSB 3280
- Historic properties, tax classification, procedures: SB 3283, \*SSB 3283, CH 449 (1985)
- Home rule charters, procedures for adoption established: SJR 103, SSJR 103
- Incorporation, new areas, tax limit authorized initially: SB 3463
- Incorporation of new cities, essential service provisions by county provided for 60 days: \*SHB 1191, CH 143 (1985)
- Incorporation of new cities, essential service provisions by county via contract: \*SHB 956, CH 332 (1985)
- Indigent soldiers' relief fund, amount available increased: SB 3005
- Indigent soldier's relief fund, hall rental increase: \*SHB 177, CH 181 (1985)
- Indigent soldiers' relief fund renamed veterans' assistance fund, threshold modified: SSB 3005
- Institutional impact account, reimbursement criteria modified: SB 3233
- Institutional industries, industrial insurance for community service programs, reimbursement: SSB 3971
- Juvenile offenders, supervised parole by counties authorized: \*SSB 4059, CH 257 (1985)
- King, Martin Luther, state holiday observing birth: \*HB 222, CH 189 (1985), SB 4256
- Lake management districts: \*SHB 606, CH 398 (1985)
- License fee setting, ferrriage, groceries, etc., modified: SB 3309, \*SSB 3309, CH 91 (1985)
- Liquor revolving fund, no disbursement if liquor prohibited: SB 3058
- Local governance study commission created: \*SSB 4399, CH 388 (1985)
- Local improvement assessments, if federal or state funds appear, lower uniformly: SB 3430, SSB 3430
- Mental health, regional residential care systems: SB 3295, SSB 3295
- Mental health treatment procedures modified for juveniles: SB 3099, \*SSB 3099, CH 354 (1985)
- Mt. St. Helens, reimbursement of costs: \*SB 3593, CH 255 (1985)
- New, petition procedure: SHJR 25
- Nonresidents, tax on those employed in state repealed: \*HB 132, CH 179 (1985)
- Noxious weed control fund created: SB 3234
- Park and recreation service area authority modified: \*SB 3445, CH 253 (1985)
- Park district annexation, extra-county territory: \*SHB 891, CH 416 (1985)
- Park districts, counties may give district lands and equipment: \*SHB 891, CH 416 (1985)
- Performance-based contracts for energy equipment and services authorized: \*HB 949, CH 169 (1985)
- Police power ordinances, any may be adopted unless expressly prohibited: SHB 26
- Precinct boundary adjustments, city annex of county territory: SB 3310, SSB 3310
- Presidents day, Lincoln and Washington's birthday to be celebrated on: \*HB 222, CH 189 (1985)
- Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)
- Public health director appointment modified: \*SHB 94, CH 124 (1985)

**COUNTIES—cont.**

- Public improvements, taxing districts authorized: \*HJR 23 (1985)  
 Regional mental health residential care systems: SB 3295, SSB 3295  
 Resource lands commission created: SB 3492  
 Risk management office may contract for coverage with municipalities: \*SB 3569, CH 188 (1985)  
 Road administration requirements: SB 3356, \*SSB 3356, CH 369 (1985)  
 Road improvement districts, special assessment procedure modified: SB 3356, \*SSB 3356, CH 369 (1985)  
 Road property tax diversion for law enforcement, auditor to study: \*SHB 203, CH 429 (1985)  
 Road service areas may receive urban arterial funds: SB 3855  
 Road system center line on city/county boundary, maintenance duty of city: \*SHB 203, CH 429 (1985)  
 Road vacating process: SB 3356, \*SSB 3356, CH 369 (1985)  
 Roads, forest reserve fund distribution: SB 3145, \*SSB 3145, CH 311 (1985)  
 Self-insurance by joint governmental entities expanded: SB 3332  
 Sewers, protect aquifer, county authority: SB 3428  
 Shellfish protection districts, formation authorized: \*SHB 814, CH 417 (1985)  
 Sheriff, minimum job qualifications: SB 3022  
 Sheriffs, AA counties exempt from civil service: \*SHB 203, CH 429 (1985)  
 Short-term obligations redefined to remove 3 year limitation: \*SHB 956, CH 332 (1985)  
 Sole-source aquifer protection, county power accompanies water/sewer authority: SB 3428  
 Sole-source aquifers, protection program, county may impose charge: SB 3428  
 Solid waste facility construction, bid procedure: SB 3372  
 Solid waste, put-or-pay contracts authorized: SB 3372  
 Special purpose districts, creation, elections, operations, uniformity: \*SHB 150, CH 396 (1985)  
 Stadium restaurant facilities and special seating, tax proceeds may be used for: \*SSB 3723, CH 272 (1985)  
 Street kids pilot project, multiservice center: 2SHB 930  
 Tax increment financing: \*HJR 23 (1985)  
 Tax on nonresidents employed in state repealed: \*HB 132, CH 179 (1985)  
 Taxes, local, monthly distribution: SB 3604  
 Urban area parks, funding modification: SB 3324  
 Watersheds, agencies and municipalities responsible for, keep lands open for recreation: SB 3894, SSB 3894  
 Zoos and aquariums, park and recreation service area authority: \*SB 3445, CH 253 (1985)

**COUNTY ASSESSOR**

- Appeal of valuation to the board of equalization: SB 3423  
 Assessments, construction, revised: SB 3423  
 Assessments, personal property statement list, one month extension: SB 3423  
 Building permits to contain county assessor parcel number: \*SB 3202, CH 318 (1985)  
 Credit cards may be used for taxes, fees, fines, etc.: SB 3257  
 Distrain papers, when they may be prepared: \*HB 149, CH 83 (1985), SB 3289  
 Levy certification due date, election date setting: SB 3423  
 Personal property statement list, month extension: SB 3423  
 Valuation appeals to board of equalization: SB 3423

**COUNTY AUDITOR (See also ELECTIONS)**

- Election administration duties: SB 3310, SSB 3310  
 Fee schedule revised: \*SB 3070, CH 44 (1985)

**COUNTY AUDITOR—cont.**

- Marriage license documents, maintain like real property instruments: \*SB 3070, CH 44 (1985)
- Marriage licenses, procedures revised: \*HB 142, CH 82 (1985), SB 3425
- Marriage licenses, \$10 fee deposited in child sexual abuse fund: SB 3245
- Precinct boundary adjustments, city annex of county territory: SB 3310, SSB 3310
- Special elections, do not hold between candidate filing/return certifying period: SB 3310, SSB 3310
- Voter registration records, custody and access: HB 419, SB 3477
- Voter registration validity inquiry: SB 3014, SSB 3014

**COUNTY TREASURER**

- Conveyance tax collection by county treasurer: SB 3883
- Credit cards for property tax payment: SB 3102, SB 3301
- Distraint papers, when they may be prepared: \*HB 149, CH 83 (1985), SB 3289
- Fiscal agent for certain local government units: \*SHB 565, CH 84 (1985)
- Property taxes, paid using credit cards: SB 3102, SB 3301

**COURT OF APPEALS**

- Appellate procedure revised: SB 3095
- Costs to include reasonable attorney fees: SB 3454
- Court commissioners may be appointed: SB 3454
- Criminal decision, procedure: SB 3454
- Indigent criminal defendants, appellant counsel, LBC and judiciary committee to study: SSB 3740
- Judge pro tem, who may be appointed: SSB 3740
- Legal notices, uniformity in publication: \*SB 3800, CH 469 (1985)

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- Adoption, consent revocation: \*SHB 877, CH 421 (1985)
- Adoption, petitions requesting identity disclosure authorized: SHB 112
- Adoption, relinquishment hearing, procedure modified: \*SHB 877, CH 421 (1985)
- Alcohol or drug induced impairment, judicial commitment: SB 3876
- Alcoholism treatment, court referral, sworn stipulation of guilt: 2SHB 879
- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Appellate procedure revised: SB 3095
- Arbitration, award procedures: \*HB 58, CH 265 (1985)
- Bad checks, damage recovery, court costs, interest, remedies: SB 3404, SB 3416
- Bad checks, restitution within six months of sentencing: SB 3404
- Bail bond provisions revised, when surety is released: SB 4305, SSB 4305
- Child abuse, offenders restrained from home access: \*SSB 3240, CH 35 (1985)
- Child abuse or neglect, statement admissible: SB 3481, SSB 3452
- Child custody disputes, mediation: SB 3252, SSB 3252
- Child custody, jurisdiction: SB 3251, SSB 3251
- Child custody or support, priority hearings: SB 3251
- Child support, modify or terminate must be in order, order is prospective: SB 3323
- Child support, parent income disclosed in order, order must be reasonable: SB 3323
- Child support, wage assignment procedure: SB 3251
- Child visitation disputes, mediation: SB 3252, SSB 3252
- Child's statement admissible, dependency proceedings, abuse or neglect: SB 3481, SSB 3452
- Child's statement regarding sexual contact admissible in dependency proceedings: \*SHB 272, CH 404 (1985)
- Child's statement, sexual offenses, admissible if child determined not competent to testify: SSB 3452

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- Child's statement, sexual offenses, closed circuit television equipment procedure: SHB 852
- Child's statement, sexual offenses, tape oral statement: SHB 852, SSB 3452
- Child's statement, tape, dependency proceedings, sexual offense: SB 3452
- Child's statements, sexual offenses, admissible if being a witness would have emotional trauma: SHB 852, SSB 3452
- Civil rights restoration, when: SB 4301
- Commissioners, under jurisdiction of judicial qualifications commission: SB 3092
- Community supervision may be ordered along with prison term: SB 3389
- Comprehensive forfeiture act: SB 3329
- Constitutionality of felony convictions, may not inquire into other superior courts: SB 3432
- Conviction redefined: 2SHB 348
- Convictions, felony, may not question constitutionality of other superior courts: SB 3432
- Costs a convicted defendant pays modified, failure to appear warrants costs: \*SB 4155, CH 389 (1985)
- Covenants not to execute or enforce a judgment, tell court, may tell jury: SB 3871
- Credit cards may be used for taxes, fees, fines, etc.: SB 3257
- Dependency proceedings, abuse or neglect statements of child admissible: SB 3481, SSB 3452
- Dependency proceedings, children's statement admissible regarding sexual contact: \*SHB 272, CH 404 (1985)
- Dependency proceedings, sexual offense, child's testimony, tape: SB 3452
- Dependency, termination of parent-child relationship, contempt of order, procedure: \*SSB 4059, CH 257 (1985)
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- Drug violations, forfeiture of all real property: SB 3608
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- Fees, filing, civil actions, law library fund, modifications: SSB 3740
- Filing fees, etc., distribution and remittance revised: SSB 3740
- Filing fees, fifteen dollars to state treasurer for public safety and education account: SB 4202
- Good-time work release, sentence reduced by 1/3rd: \*SB 4129, CH 298 (1985)
- Harassment, no-harassment orders: SB 3012, \*SSB 3012, CH 288 (1985)
- Hearing impaired persons at judicial or administrative proceedings, interpreters: SSB 3740, \*SB 4155, CH 389 (1985)
- Indian lands, Colville, retrocession of criminal jurisdiction: SHB 495, SB 3565
- Insanity pleas, modifications: SB 3197
- Institutional impact account, reimbursement criteria modified: SB 3233
- Interference with official proceedings, class B felony, modified: \*HB 107, CH 327 (1985)
- Interpreters for hearing impaired persons at judicial or administrative proceedings: SSB 3740, \*SB 4155, CH 389 (1985)
- Interpreters for hearing impaired persons regulated: \*SB 4155, CH 389 (1985)
- Intimidating a former juror, class B felony: \*HB 107, CH 327 (1985)
- Intimidating a witness, includes former witnesses: \*HB 107, CH 327 (1985)
- Judgment debtors, plaintiffs, cost recovery if defendant doesn't show: \*SB 3373, CH 215 (1985)
- Judgments, interest awards, date tabulation begins: SB 3809
- Judicial review of felony convictions, no constitutional inquiry of other superior courts: SB 3432
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- Juvenile court jurisdiction over involuntary civil commitment removed: \*SSB 3099, CH 354 (1985)
- Juveniles, dispositional orders of restitution, victims paid first: \*SSB 4059, CH 257 (1985)
- Juveniles, out-of-home placement, disposition plan to set forth parental involvement: SSB 3979
- Law library funds, civil action filing fees, modifications: SSB 3740
- Mandatory arbitration program a prerequisite to additional superior court judge positions: \*SSB 3165, CH 357 (1985)
- Mental commitment, alcohol or drug induced impairment: SB 3876
- Mental health records of juveniles are confidential: SB 3099, \*SSB 3099, CH 354 (1985)
- Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740
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- Regulatory fairness act, enforcing: SB 3414, SSB 3414
- Restraining order or injunctions against person committing child abuse: SB 3240, \*SSB 3240, CH 35 (1985)
- Revenue, county treasurer to transmit 100% to state treasurer: SB 4202
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- Sex abuse, child victims exempt from face to face trial confrontations: SJR 102
- Sexual abuse of children, offenders restrained from home access: SB 3240, \*SSB 3240, CH 35 (1985)
- Sexual contact, dependency proceedings, child's statement admissible: \*SHB 272, CH 404 (1985)
- Small claims court, revisions, awards, continuance, court hours: SB 3496
- Statutes superseded by court rules, repeal: \*SB 3104, CH 68 (1985)
- Superior court filing fee increased: SB 3051
- Superior court judicial positions, additional created, mandatory arbitration program a condition: SB 3165, \*SSB 3165, CH 357 (1985)
- Unfair employment practices, petition and jurisdiction procedures: \*SHB 52, CH 185 (1985)
- Victims, children, advocates provided: SB 3199
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- Victims, juvenile dispositional orders of restitution, victims paid first: \*SSB 4059, CH 257 (1985)
- Witnesses, child, additional protection provided, advocate: SB 3199
- Witnesses, children, bill of rights, advocate provided: \*SHB 512, CH 394 (1985)
- Witnesses, intimidating a former witness included: \*HB 107, CH 327 (1985)
- Work release, good-time, sentence reduced by 1/3rd: \*SB 4129, CH 298 (1985)
- Work-release earnings, collect for court-ordered victim compensation and restitution: \*SB 4129, CH 298 (1985)
- Yakima water adjudication, certification period reopened: \*SSB 4424, CH 435 (1985)

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- Year-long Dungeness crab season: SB 3209

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- Bad checks, consider economic hardship: SB 3404, SB 3416
- Bad checks, damage recovery, court costs, interest, remedies: SB 3404, SB 3416, SSB 3416
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- Bail bond provisions revised, when surety is released: SB 4305, SSB 4305
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- Child abuse, dependency petition, basic rights to be advised: \*HB 492, CH 183 (1985)
- Child abuse, hearsay exception modified: SB 3506
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- Child's statement, sexual offenses, admissible if child determined not competent to testify: SSB 3452
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- Promoting pornography, fine modified: \*SB 3906, CH 235 (1985)
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- Runaways, persons sheltering, notice required: SB 3243, SSB 3243
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088
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- Sex abuse, child victims exempt from face to face trial confrontations: SJR 102
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- Sexual abuse, child victims fund established, birth certificate fees: SB 3244
- Sexual abuse, child victims, fund established, marriage license fees: SB 3245
- Sexual abuse, dependency proceedings, criminal information system to maintain files of identifying data: \*SB 3596, CH 201 (1985)
- Sexual abuse, hearsay exception modified: SB 3506
- Sexual abuse of child, confession is evidence if all elements established: SB 3241
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- Sexual abuse of children, offenders restrained from home access: SB 3240, \*SSB 3240, CH 35 (1985)
- Sexual abuse or exploitation of children, special AG unit to investigate: SB 3246
- Sexual abuse prevention education, required school curriculum: SB 3248, SSB 3248
- Sexual assault program, revisions, termination repealed: SB 3198, \*SSB 3198, CH 34 (1985)
- Sexual assault program, state coordination, biennial state-wide plan: HB 181, SB 3198, \*SSB 3198, CH 34 (1985)
- Sexual conduct, allowing minor to view, misdemeanor: SB 4316
- Sexual contact, dependency proceedings, child's statement admissible: \*SHB 272, CH 404 (1985)
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- Sexual offenders who were victims, juveniles, pilot program: SB 3499
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- Statute of limitations modified: \*SB 3393, CH 186 (1985)
- Street kids pilot project, multiservice centers: 2SHB 930
- Telephone harassment, penalties modified: SB 3012, \*SSB 3012, CH 288 (1985)
- Theft, action brought by person detained, defenses, reasonable grounds: SB 3062
- Theft, cable television services: \*SHB 550, CH 430 (1985)
- Theft, mercantile establishments, conviction is a condition to civil action: SB 3062
- Theft of utility services, civil liability: \*HB 758, CH 427 (1985)
- Theft or robbery of a controlled substance, class B felony: SB 3595, SSB 3595
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- Theft, shopping carts, misdemeanor: SB 3786, \*SSB 3786, CH 382 (1985)
- Theft, wrongfully obtains or exerts unauthorized control redefined: SB 3093
- Trespass on aquaculture lands or structures prohibited: \*SB 3173, CH 289 (1985)
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- Victim defined: \*SHB 848, CH 346 (1985)
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- Witnesses, child, additional protection provided, advocate: SB 3199
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- Member, commission on vocational education:  
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**CROW, ROBERT "MAC"**

- Member, Washington State University board of regents:  
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**CROWLEY, EUGENE**

- Bond specialist introduced and addressed senate ..... p. 454

**CRUTCHFIELD, ROBERT D.**

Member, juvenile disposition standards board:

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**DAVIS, MRS. HELEN**

Composer of 'Washington My Home' introduced

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**DAVIS, RICHARD A.**

Director, department of labor and industries:

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- Reimbursement of DSHS costs by recipients: \*2SHB 356, CH 245 (1985), SB 3508
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Affirmative action plan, submitted by state contractors and subcontractors: SB 3345, SSB 3345

Affirmative action program by all state agencies, state patrol and higher education: SB 3346, \*SSB 3346, CH 365 (1985), SB 4149

Age discrimination: \*SHB 52, CH 185 (1985)

Age, malicious harassment: SB 3549

Banks holding or investing state funds must have affirmative action plans: SB 3345, SSB 3345

Farm labor contractors, agricultural employees, regulated: \*SHB 199, CH 280 (1985)

Industrial insurance, employer may not discriminate against claimant: \*SHB 1089, CH 347 (1985), SB 4194

Insurance, discrimination based on sex or marital status prohibited: SB 3903

Interpreters for hearing impaired persons, procedures, rights: \*SB 4155, CH 389 (1985)

Japanese-Americans, WWII relocation, financial assistance: SJM 104, \*SSJM 104 (1985)

Mastectomy, lumpectomy, may not refuse insurance based on: \*SSB 3989, CH 54 (1985)

Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)

Minority and women's business enterprises office, terminating: SB 3299

Official misconduct, discrimination against reportee prohibited: SB 3811

Reports of official misconduct, discrimination against reportee prohibited: SB 3811

Service dogs, protection for persons using dogs: \*SSB 3598, CH 90 (1985)

Sex discrimination prohibited in public resorts, accommodations, amusement, etc.: \*SB 4259, CH 203 (1985)

Sex, malicious harassment: SB 3549

Sexual orientation, employment, housing, credit, insurance, etc.: SB 3548

Sexual orientation, malicious harassment: SB 3549

**DISPENSING OPTICIANS**

Uniform disciplinary act modified: SHB 131, SB 3260

**DISPLACED HOMEMAKERS**

Community college board given program, versus CFPSE: SB 3866

**DIXON, DICK**

Member, state parks and recreation commission: GA 118 ..... p. 1250

**DOGS**

Damages to farm animals, recovery limit modified: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024

Service dogs, protection for persons using dogs: SB 3598, \*SSB 3598, CH 90 (1985)

Sportsmen's commission, archery, skeet, target practice, dog training, etc.: SB 3493

Tax modified: SB 3309, \*SSB 3309, CH 91 (1985)

**DOMESTIC VIOLENCE**

Assault, perpetrator must be 18 or older for probable cause to operate: SB 3254, \*SSB 3254, CH 303 (1985)

Criminal justice assistance account, target offenses: SB 3764, SSB 3764, 2SSB 3764

Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764

**DOMESTIC VIOLENCE—cont.**

- Ex parte temporary orders, child custody authority revised: SB 3254, \*SSB 3254, CH 303 (1985)
- Family conciliation court jurisdiction revised: SB 3252
- Family conciliation court procedures revised: SB 3252
- Filing fee, none if existing action or jurisdiction transfer: SB 3254, \*SSB 3254, CH 303 (1985)
- Forms and instructional brochures, master copy distributed by court administrator: SB 3254, \*SSB 3254, CH 303 (1985)
- In forma pauperis by petitioner, respondent may have to pay: SB 3254, \*SSB 3254, CH 303 (1985)
- In forma pauperis, no fees for any court related services: SB 3254, \*SSB 3254, CH 303 (1985)
- Jurisdiction of district/municipal courts clarified: SB 3254, \*SSB 3254, CH 303 (1985)
- No-contact order provisions modified: SB 3254, \*SSB 3254, CH 303 (1985)
- Petitioner and respondent designation, court may realign if abuse is petitioner: SB 3254, \*SSB 3254, CH 303 (1985)
- Probable cause, arrest guidelines: SB 3254, \*SSB 3254, CH 303 (1985)
- Real estate lien, judgment for costs or fees: SB 3254, \*SSB 3254, CH 303 (1985)

**DRAINAGE DISTRICTS**

- Powers specified: SB 3313
- Public works exemption removed: SB 3264
- Special purpose districts, creation, elections, operations, uniformity: \*SHB 150, CH 396 (1985)

**DRUGLESS HEALING**

- Uniform disciplinary act modified: SHB 131, SB 3260

**DRUGS**

- Alcoholism and drug abuse research by UW and WSU: SB 4221
- Boat operation prohibited while under the influence: \*SHB 214, CH 267 (1985)
- Boxing, drug and alcohol abuse, injured boxers, medical procedures: SB 3318
- Comprehensive forfeiture act: SB 3329
- Controlled substances act revised: SHB 732
- Drivers' licenses not issued to addicts or abusers: \*SHB 163, CH 101 (1985), SB 3223
- Drug apparatus, except eyeglasses, sales and use tax exempt: SB 3429
- Drug apparatus sales and use tax exempt: SB 3429
- Forfeiture due to violations, all real property: SB 3608
- Manufacturers, distributors, dispensers, license required: SB 4285
- Mental disorder, alcohol or drug induced, judicial commitment: SB 3876
- Public assistance, copayment by recipients of legend drugs: SB 3424
- Racketeering activities prohibited: SB 3086
- Samples, distribution, specific authorization necessary: SB 4285
- Special detention facilities, fees on a sliding scale: \*SB 4129, CH 298 (1985)
- Theft or robbery of a controlled substance, class B felony: SB 3595, SSB 3595
- Treatment program for DWI deferred prosecution clarified: \*SB 3230, CH 352 (1985)

**DRYKE, MATT**

- Olympic gold medalist introduced and addressed senate . . . . . p. 369

**DRUNK DRIVING**

- Administrative revocation authority for alcohol violations modified: \*HB 593, CH 407 (1985), SB 3089, SSB 3089
- Alcohol awareness pilot program by DSHS directed at ages 15-25: SSB 3037
- Alcohol awareness program authorized, public safety and education account: SB 3037
- Alcohol diagnostic evaluation and treatment, sworn document of appearance: 2SHB 879

**DRUNK DRIVING—cont.**

- Alcohol treatment program, must satisfactorily progress: 2SHB 879  
 Beer and wine advertising, health warnings required: SB 4300  
 Chemical breath analysis, preliminary authorized: SHB 456  
 Community service of offenders, cities and counties may purchase liability insurance: SB 3417  
 Community service of 48 hours as an alternative to 24 hour jail stay: SB 3417  
 Criminal justice assistance account, target offenses: SB 3764, SSB 3764, 2SSB 3764  
 Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764  
 Deferred prosecution clarified: \*SB 3230, CH 352 (1985)  
 Deferred prosecution, return confiscated license: HB 10  
 Deferred prosecution, sign statement advising rights, acknowledging guilt: 2SHB 879  
 Driver's license, occupational, no previous conviction with 5 years: SB 3268  
 Drivers' licenses not issued to alcoholics or drug abusers: \*SHB 163, CH 101 (1985), SB 3223  
 DWI conviction and driving with invalid license, minimum 30 days: \*SB 3267, CH 302 (1985)  
 Fine maximum increased to \$1,000 for 1st conviction: \*SB 3230, CH 352 (1985)  
 Fine maximum increased to \$2,000 for 2nd conviction: \*SB 3230, CH 352 (1985)  
 Form instruction for obtaining reissuance or renewal, given at sentencing: 2SHB 879  
 Highway safety fund no longer to receive reinstatement fees: \*HB 593, CH 407 (1985), SB 3089  
 Highway safety fund, reinstatement fees used for alcohol-related driver licensing programs: SSB 3089  
 License plate and registration renewal, conditioned on valid license: 2SHB 879  
 License reinstatement fees used for alcohol-related driver licensing programs: SSB 3089  
 Occupational drivers' licenses, no previous conviction within 5 years: SB 3268  
 Registration cancelled if driving without license, financial responsibility, and with suspension: 2SHB 879  
 Revocation of license, department authority modified: \*HB 593, CH 407 (1985), SB 3089, SSB 3089  
 Suspension, if reconvicted suspension period not extended: 2SHB 879  
 Suspension or revocation, extension, conditions: 2SHB 879  
 Treatment for alcoholism, sworn stipulation of guilty: 2SHB 879

**DUCKS**

- Migratory waterfowl stamp to hunt waterfowl required: \*SHB 179, CH 243 (1985), SB 3396

**DUFFIE, CORNELIUS R.**

- GA nomination as member WPPSS executive board, withdrawn . . . . . p. 1248  
 Reappointed member, WPPSS executive board: GA 137 . . . . . p. 1253

**DUFFORD, PHILIP W.**

- GA nomination as member of pollution control hearings board, withdrawn . . . p. 355  
 Reappointed member, pollution control hearings board:  
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**DUNN, BOB**

- Coach of Olympia high school state AA football champions  
 introduced and addressed Senate . . . . . p. 412

**DUNN, PATRICK N.**

- GA nomination as director of department of community  
 development, withdrawn . . . . . p. 55

**DZIEDZIC, PAUL**

Reappointed director of services for the blind:

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**EAGLES**

Agricultural purposes exempt from buffer zone: SB 3237

**EARLEY, JOHN A.**

GA nomination as member, state gambling commission,

withdrawn ..... p. 1247

**EARTHQUAKES**

School safety: SB 3448, SSB 3448

Seismic safety commission created: SHB 493, SB 3488

**EASTERN STATE UNIVERSITY**

James D. Ray, GA nomination as member, withdrawn ..... p. 133

Deborah J. Reis, GA nomination as member, withdrawn ..... p. 133

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Jean L. Beschel, appointed as member, board of trustees:

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Joe W. Jackson, appointed as member, board of trustees:

GA 70, confirmed ..... pp. 305, 1175, 2182

Michael Ormsby, appointed as member, board of trustees:

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Board of regents actions to be published in newspapers: SB 3544, SSB 3544

Community college development districts, repealed: \*HB 331, CH 218 (1985)

Fees reset: SSB 3712

Joint center for higher education, WSU and EWSU programs in Spokane: SHB 494,

\*SSB 3376, CH 370 (1985)

Salary increases for administrators, limited by state operating appropriation act:

SSB 3056

Salary increases, not to exceed average faculty increase: SB 3056

Trustee membership increased: \*HB 293, CH 137 (1985), SB 3133

**ECOLOGY, DEPARTMENT OF**

Andrea W. Beatty, appointed director:

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Acid rain, DOE to continue monitoring, critical levels to be established: \*SHB 974,

CH 456 (1985)

Air pollution, stationary sources, operating permits: SB 4158

Burning of grass, \$1/acre, 50% for research, 50% for smoke management: SHB

1122

Clean water act, federal, DOE powers revised: SB 3353

Conservation corps, administrative expenditures, restricted for projects: SB 3568

Conservation corps, nonprofit corporations, reimbursement of absorbable costs:

SSB 3568

EFSEC duties transferred to DOE: SB 4441

Energy savings or renewable energy systems, bonds available reduced: SB 3265,

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Environmental coordination procedures act, comprehensive plan and zoning

revisions: SB 3351

Environmental health programs of DSHS to DOE: SB 4308, SSB 4308

Environmental health programs transferred from DSHS to DOE, report to legisla-

ture: SSB 4308

Forest practices interagency assistance team created: SB 3371

Groundwater management advisory committee: \*SHB 232, CH 453 (1985), SB 4200

Groundwater management plan procedures, zones and depths identified: \*SHB

232, CH 453 (1985), SB 4200

Hazardous substance information and education office: \*SHB 865, CH 410 (1985)

**ECOLOGY, DEPARTMENT OF—cont.**

- Hazardous substance response trust fund, finance clean up: SB 4255
- Hazardous substances, illegal, improper release, study for new laws and funding: SSB 4255
- Hydraulic projects, authority transferred to ecology department: SB 3253
- Hydraulic projects, study committee formed: \*SHB 223, CH 123 (1985)
- Lake Osoyoos, joint venture with British Columbia, outflow and level: \*SB 3576, CH 27 (1985)
- Marina facilities inspection account: SB 4287
- Multi-aquifer protection, permit granting: HB 22
- Nisqually river system, DOE to report on management program: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- Nisqually river system, management program required: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- Noise control, ORVs organized competition, rules: SB 3464
- ORV organized competition, special requirements: SB 3464
- PCB's, DOE to regulate wastes generated from transformers or capacitors: \*SSB 3201, CH 65 (1985)
- Puget Sound, industrial wastewater, pretreatment, review and revise: \*SHB 815, CH 249 (1985)
- Puget Sound institute established: SHB 506, SB 4220
- Puget Sound, secondary wastewater treatment, DOE cannot waive: SB 3353
- Puget Sound water quality enforcement actions, report to legislature: SHB 796
- Radiation, control of sources of ionizing radiation, DOE to seek funds: \*2SHB 3, CH 372 (1985)
- Radiation, radionuclides, PCHB authority to adopt air quality and emission standards: \*2SHB 3, CH 372 (1985)
- Secondary treatment, DOE may concur with waivers: SHB 796
- Sewage treatment, combined sewerage overflows, reduction planned: \*SHB 815, CH 249 (1985)
- Shellfish, recreational and commercial areas, improve and protect: 2SHB 1068
- Smoke management account created: SHB 1122
- Solar-powered electrical generating facilities, SEPA exempt: SB 3545
- Tire recycling: \*SHB 804, CH 345 (1985), SB 3863
- Transfer DSHS environmental health programs to DOE: SB 4308, SSB 4308
- Waste systems for energy production or savings, bond reduction: SB 3265, SSB 3265, 2SSB 3265
- Waste water treatment commission established: SB 4297
- Water, consumptive permits not issued until minimum flows set: SB 3311
- Water flow or level changes, notice requirements: \*SB 3298, CH 196 (1985)
- Water pollution control activity, DOE to report and receive public comment: \*SB 3812, CH 316 (1985)
- Water pollution control facilities, bonds, progress report to legislature: SB 3827, SSB 3827
- Water pollution control facilities, financial assistance, general fund and bonds: 3SSB 3827
- Water pollution control facilities for nonradioactive liquid wastes, bonds: SB 3827, SSB 3827
- Water pollution control facilities, 1/2 of 1% for joint development and alternative financing: SSB 3827, 2SSB 3827
- Water pollution control statutes, rules, orders, up to \$5000/day for violations: \*SB 3812, CH 316 (1985)
- Water rights, permit granting: HB 22
- Water supply projects, bonds authorized: SB 4136, SSB 4136, 2SSB 4136
- Watersheds, agencies and municipalities responsible for, keep lands open for recreation: SB 3894, SSB 3894
- Wood stove regulation: SB 3071

**ECONOMIC RECOVERY** (See also EXPORTING AND IMPORTING )

- Agricultural market research advisory committee to IMPACT center created: SB 4130
- Agricultural water supply projects, recreation and wildlife included, bonds authorized: SB 4136, SSB 4136, 2SSB 4136
- B & O tax deduction for high-technology development costs: SB 3858
- B & O tax deferral for new businesses operating at a loss: SB 4311
- B & O tax deferral, new businesses operating at a loss: SB 3873
- Business siting within state, facilitate: \*HB 830, CH 85 (1985), SB 3412
- Capital projects office to promote commerce in international markets: SB 4210
- Commercial buildings, newly constructed, tax deferrals for 3 years: SB 3860
- Community development block grant funds, development loan fund committee duties: \*SHB 855, CH 164 (1985)
- Economic development board established: \*2SHB 627, CH 467 (1985)
- Economic development board, spur new jobs: \*2SHB 627, CH 467 (1985)
- Economic development coordinating council: SB 3614
- Economic development, legislative committee created: \*2SHB 627, CH 467 (1985), SB 4211, SSB 4211
- Economic development, legislative committee, sunset provisions: SSB 4211
- Economic development target areas, investment sales tax deferral: SB 4244
- Economically depressed areas, centennial partnership projects, tourism, marketing: SSB 4100
- Grants and loans for economic development: \*SHB 461, CH 446 (1985)
- Higher education, financial assistance to students of economic recovery-type careers: SB 3617, SSB 3617
- High-technology businesses, deduct development costs from the measure of tax: SB 3858
- High-technology coordinating board, develop education and training needs: SB 3630, \*SSB 3630, CH 381 (1985)
- IMPACT, agricultural market research advisory committee: SB 4130
- IMPACT center for agriculture made permanent: \*SHB 1063, CH 39 (1985), SB 4130, SB 4214, SSB 4214
- IMPACT center to assist in teaching and training of specialists in international trade: SB 4214
- IMPACT center to provide high-quality research, education and nondegree training in international trade: \*SHB 1063, CH 39 (1985), SSB 4214
- IMPACT center to report on success of obtaining nonstate funding: \*SHB 1063, CH 39 (1985), SB 4214, SSB 4214
- Industrial development bonds, agricultural activities: SB 3378, SSB 3378
- Industrial training program, community colleges, new and expanded businesses: SB 4112
- International trade and economic development center at UW: SB 4170
- International trade and investment information program: SB 4212
- International trade assistance center: SB 4213, SSB 4213
- International trade assistance center, sunset provisions: SHB 1061, SSB 4213
- Investment projects, new manufacturing buildings or major improvements, sales tax deferral: SB 4204
- Investment projects, sales tax deferral for job creation in distressed areas: \*SHB 1079, CH 232 (1985)
- Investment projects, tax deferral for persons currently not in state: HB 1326
- Job creation and economic development via development loan fund committee: \*SHB 855, CH 164 (1985)
- Legislative committee on economic development created: \*2SHB 627, CH 467 (1985), SB 4211, SSB 4211
- Legislative committee on economic development, sunset provisions: SSB 4211
- Long-term economic strategy, economic development board to create: \*2SHB 627, CH 467 (1985)

**ECONOMIC RECOVERY—cont.**

- New businesses, economic assistance to distressed areas, tax exemptions: SB 4154  
 New businesses in distressed areas, community colleges to provide needed classes: SB 4154  
 New businesses, investment projects, persons currently not in state, tax deferral: HB 1326  
 New businesses operating at a loss, tax deferral: SB 4311  
 New businesses operating at a loss, tax deferral: SB 3873  
 New economic development fund, lottery revenue to: SB 4280  
 Pacific rim foundation created: SB 3034, SSB 3034  
 Parking and business improvement areas, maintenance and security for common areas: \*SHB 1129, CH 128 (1985)  
 Retraining and reeducation in areas of high unemployment, emergency pilot vocational training program: \*SHB 1207, CH 437 (1985)  
 Seed capital defined: \*HB 943, CH 269 (1985)  
 Shipbuilding and ship repair industries, requesting assistance: SCR 113  
 Small business and development center, emphasis high unemployment areas: SB 4291  
 Small business assistance centers established, community colleges: SB 3609  
 Small business export finance assistance center: \*SHB 1061, CH 231 (1985)  
 Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875  
 Tax deferral, sales and use, investment projects of persons currently not in state: \*HB 1326, CH 2 E1 (1985)  
 Tax deferrals for newly constructed commercial property: SB 3860  
 Tax exemptions, new businesses in distressed areas: SB 4154  
 Technology exchange established: \*HB 943, CH 269 (1985)  
 Timber, sustained-yield basis, deficit harvesting: SB 3335  
 Timber to be sold on a sustained-yield basis: SB 3335  
 Tourism development partnership capital fund, custody of commerce and economic development department: SSB 4100  
 Vocational education advisory council, local committees: SB 3618  
 Vocational training, emergency pilot program in areas of high unemployment: \*SHB 1207, CH 437 (1985)

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**EDMONDS COMMUNITY COLLEGE DISTRICT 23, BOARD OF TRUSTEES**

- Margaret Hays, reappointed member:  
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**EDMONDSON BETTY L.**

- GA nomination as trustee, Yakima Valley community college district 16, withdrawn ..... p. 134  
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**EDUCATION**

- Continuing education, insurance agents, 65 years or older exempt: SB 4274  
 Creative thought and development, coordinator established in governor's office: SSB 3421  
 Guns, teaching, etc., use for civil disorders, prohibit: SHB 81  
 Hazardous substance information and education office: \*SHB 865, CH 410 (1985)  
 Health care education program by certain agencies: SB 4240  
 High-technology coordinating board, develop education and training needs: SB 3630, \*SSB 3630, CH 381 (1985)  
 Human intellect, office for the enhancement of, created: SB 3421  
 Insurance agents, continuing education, 65 years or older exempt: SB 4274  
 Intern certificates valid for one year period, mentor teachers: SB 4175

**EDUCATION—cont.**

- Literacy, adult literacy program: SB 3517, SSB 3517
  - Literacy, state advisory literacy coalition: SB 3517, SSB 3517
  - Mental sports competition and research commission established: SB 3405
  - Parent education program for AFDC recipients: SB 4164
  - Street kids pilot project, multiservice centers: 2SHB 930
- EDUCATION, STATE BOARD OF** (See also SCHOOLS AND SCHOOL DISTRICTS; SUPERINTENDENT OF PUBLIC INSTRUCTION; individual colleges and universities)
- Achievement test, standardized state-wide high school core competency test: SB 3519
  - Achievement tests, high school, diagnostic test if fail: SB 3519
  - Achievement tests, 10th and 8th grade, diagnostic test if fail: SB 3519
  - Administrators' academy planned: SB 4118, SSB 4118
  - Alternative plans for effective programs, waive program content regulations: SB 3607, \*SSB 3235, CH 349 (1985)
  - Basic education, primary duty is to support local districts in providing: SB 3232
  - Career ladder, state-wide for certificated classroom teachers: SB 3621, SB 4175
  - Certificate endorsement, teacher competency test: SB 3867
  - Certification renewal every 5 years: SB 3621
  - Counselor ratio, 7th through 12th grade, academic and career counseling: SB 3519
  - Creative thought and development, coordinator established in governor's office: SSB 3421
  - Curriculum, high school graduation, goals, objectives: SB 3519
  - Diagnostic tests if fail 8th, 10th, or graduation achievement test: SB 3519
  - Duties revised, certain authority eliminated: SB 3232
  - Early childhood education enhanced: SB 3518
  - Excess levy limitation, expenses, schools to report, phase-down schedule: SB 3615, SB 3868
  - Governor to appoint: SB 3511
  - Graduation, elective credit for fine, visual, or performing arts: \*SB 4140, CH 384 (1985)
  - Graduation, physical education requirement modified: \*SB 4140, CH 384 (1985)
  - High school achievement test, diagnostic test if fail: SB 3519
  - High school graduation, curriculum goals, objectives: SB 3519
  - High school graduation requirements, fine, visual, and performing arts: SB 3519
  - High school graduation requirements revised: \*SB 4140, CH 384 (1985)
  - High school, standardized state-wide core competency achievement test: SB 3519
  - History and government requirement for graduation modified: \*SB 4140, CH 384 (1985)
  - Intern certificate, valid one year: SB 3621
  - Japanese instruction, grades one through six: SB 3516, \*SSB 3516, CH 379 (1985)
  - Kindergarten-3, combine in a block, office of early childhood education to develop rules: SSB 3518
  - Membership, all members vote including private school representative: SB 3111
  - Membership to include superintendent of public instruction: SB 3111
  - Needs assessment and planning guide for common school construction and maintenance: SCR 108
  - Negotiation process for employee/employer relationships: SB 3232
  - Office for the enhancement of human intellect: SB 3421
  - Physical education requirement for graduation revised: \*SB 4140, CH 384 (1985)
  - Spanish instruction, grades one through six: SB 3516, \*SSB 3516, CH 379 (1985)
  - Superintendent of public instruction, appointment provided for: SJR 108, SJR 113
  - Task force on new technologies, educational process: SB 3514

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- Teacher certification, board of education to study and report on endorsements: 2SHB 587, \*2SHB 849, CH 420 (1985)
- Teacher certification, graduate-level professional teacher preparation program: SB 3235
- Teacher certification requirements, exams, endorsements, board of education to study report on: 2SHB 587, \*2SHB 849, CH 420 (1985)
- Teacher competency test for certificate endorsement: SB 3867
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- Teacher preparation programs and required college work: SB 3867
- Teachers, professional certification exam, board to establish as certification condition: 2SHB 587
- Teachers, professional certification requirements, required college work: 2SHB 587
- Teachers, professional preparation programs, required college work: 2SHB 587
- Teachers, prototype professional certification exam, SPI to develop: 2SHB 587
- Teachers, training in recognizing potential child abuse victim: \*SHB 805, CH 419 (1985)
- Technologies, task force on, educational process: SB 3514
- Waiver of program content regulations to enable local plan implementation: SB 3607, \*SSB 3235, CH 349 (1985)

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- Biennial budget request to include educational clinics: \*HB 999, CH 434 (1985)
- Fund allocation, priority criteria for SPI: \*HB 999, CH 434 (1985)
- Funding level, demand, private sector support, SPI to report: \*HB 999, CH 434 (1985)

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- Absentee voters, ongoing authorized: \*SB 3854, CH 273 (1985)
- Abuse or neglect, report with 24 hours versus 7 days: SB 3238
- Abuse or neglect, report within 48 hours versus 7 days: SHB 932, SSB 3238, 2SSB 3238
- Accessory apartments permitted by municipalities: SB 4000
- Certificates of need, life-care retirement centers, exempt: SB 3874
- Fishing license for those over 70, study fee: \*SSB 4231, CH 464 (1985)
- Fishing license, free to senior citizens over 70, residency altered: SB 4231
- Fishing licenses, 50% fee reduction: HB 266
- Fishing opportunities of juveniles, handicapped, and senior citizens to be maximized: \*SB 3314, CH 438 (1985)
- Life-care retirement, certificate of need requirement, exempt: SB 3874
- Meals furnished to elderly, low-income, or handicapped, tax exempt: \*HB 183, CH 104 (1985)
- Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)
- Property tax relief, disposable income, medical and dental expenses: SB 3411
- Property tax relief, disposal income, exclude veterans' benefits: SB 3328
- Property tax relief limits modified: SB 3108
- Residential care facilities, regulated: SB 3229
- Respite care demonstration projects, continue: SB 3177, SSB 3177
- Self-medication techniques, allowed in boarding homes: SB 3904, \*SSB 3904, CH 297 (1985)
- Voting and registration facilitated: \*SHB 1153, CH 205 (1985)
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- Absentee ballot distribution procedure: SB 3310, SSB 3310
- Absentee ballot tabulation: SB 3599
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- Absentee ballots authorized for voters registering late: SB 3772
- Absentee voters, ongoing authorized: \*SB 3854, CH 273 (1985)
- Absentee voting for late registration: SB 3772
- Administration of elections, county auditor duties: SB 3310, SSB 3310
- Aquifer protection areas, county may create, formation, etc., fees: \*SHB 1116, CH 425 (1985), SB 3872, SSB 3872
- Aquifers, sole-source, protection program, county may impose charge: SB 3428
- Ballot marking procedures: SHB 545, SB 3310, SSB 3310
- Ballots may be deposited by voter: SHB 545, SB 3310, SSB 3310
- Ballots, primary and sample, order of candidates: SB 3459, SSB 3459
- Ballots, write-in candidates, procedures and restrictions: SHB 108, SB 3303
- Beginning and end of campaign for public disclosure purposes: SB 3367
- Bond issue, 3/5ths voter approval as with other additional property tax levies: SJR 114
- Bonds, municipal corporations, revisions: HB 629
- Campaign contribution limitation imposed, \$1,000 to \$5,000 scale: SB 3307
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- Campaign contributions over \$500 made within 21 days of election, report: \*SSB 3307, CH 359 (1985)
- Campaign financing by the public authorized: SB 3832
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- Civil rights restoration to convict, when: SB 4301
- Community colleges, taxes and bonds for capital purposes: SB 4133
- Constitutional amendments, advertising, revisions: SB 4198
- Constitutional amendments, AG's ballot title statement, 75 versus 20 words: SB 3310, \*SB 3436, CH 252 (1985)
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- Districts 19 and 39, A/B lines removed: SB 3842, SSB 3842
- Emergency medical care and services, voter approved property levy: SB 3857
- Excise taxes, new or increased, 3/5ths vote needed: SJR 112
- Fair campaign practices act: SB 3803
- Fair campaign practices, fraud, libel, deceit, etc., prohibited: SB 4166
- Federal office vacancies, procedure: \*SB 3096, CH 45 (1985)
- Federal office vacancies, state to pay prorated costs: \*SB 3096, CH 45 (1985)
- Federal reserve system, constitutionality challenged, referendum: SB 3555
- Filing, dates revised: SB 3599
- Financing by public of campaigns: SB 3832
- First avenue south bridge construction, motor vehicle fuel tax: SB 3349
- Fund-raising activities, incumbents may not do during session: SB 3597
- Handicapped persons, voting and registration facilitated: \*SHB 1153, CH 205 (1985)
- Independent candidate, petition procedure: SB 3599
- Initiative measures, voluntary review by Attorney General regarding legality: SB 3825
- Levy certification due date, election date setting: SB 3423
- Major political party, 10% of total vote: SB 3300
- Minor party, petition procedure, etc.: SB 3599
- Official election materials, alteration and use prohibited in campaigns: SHB 114
- Park district, election laws of the state govern: \*SHB 891, CH 416 (1985)
- Party preference, optional registration: HB 173
- Political advertising, name of party as it appears on the ballot: SB 3534

**ELECTIONS—cont.**

- Political committees, financing, one per candidate: SB 3367, \*SSB 3367, CH 367 (1985)
- Precinct boundary adjustments, city annex of county territory: SB 3310, SSB 3310
- Precinct committee persons, all are deputy voter registrars: SB 3817
- Precinct committee persons, qualifications, removal from office, revised: SB 3859
- Presidential preference primary: SHB 433
- Primaries, dates revised, etc.: SB 3599
- Property tax levies, temporary increase above 106% authorized: SB 3766
- Public financing of campaigns authorized: SB 3832
- Registration at least 30 days before election, otherwise absentee: SB 3772
- Signs, temporary placement along highway but not in right of way: SB 3500, SSB 3500
- Sole-source aquifers, protection program, county may impose charge: SB 3428
- Special elections, do not hold between candidate filing/return certifying period: SB 3310, SSB 3310
- State, prorated share of costs borne by state: SB 3287
- Superintendent of public instruction, appointment provided for: SJR 108, SJR 113
- Tax reform, sales tax, food tax, B & O, property tax, income tax, farm products: SJR 106
- Transferring duties from secretary of state to elections and public disclosure commission: SB 3850
- Uncontested office defined: SHB 108
- Voter registrars, all precinct committee persons are deputies: SB 3817
- Voter registration deadlines and special services, publication schedule: SB 4198
- Voter registration, late absentee ballots authorized: SB 3772
- Voter registration records, custody and access: HB 419, SB 3477
- Voter registration validity, county auditor inquiry: SB 3014, SSB 3014
- Write-in candidates, ballot procedures and restrictions: SHB 108, SB 3303
- Write-in candidates need declarations of candidacy: SHB 108, SB 3303

**ELECTRICIANS**

- Certificates of competency, eligibility requirements modified: SB 3277
- Electrical construction trade defined: SB 4238

**ELECTRICITY**

- Agricultural irrigation commission, formation authorized: SB 3286
- BPA, withdraw proposal to modify repayment schedule: SJM 108
- Consumer advocate office on utilities and transportation: SB 3281
- Consumers' counsel office established in the AG's office: SB 4173
- Consumers' utility board established: SB 4173
- Customer installations are subject to inspection: SB 3360
- Decommissioning of major energy facilities, adoption of procedure required: SHB 339
- Disposal of property, franchises, etc., WUTC review if public should possess: SB 4117
- EFSEC duties transferred to DOE: SB 4441
- Electric company disposal of property etc., WUTC review if public should possess: SB 4117
- Electric generation is a by-product of water systems owned by municipalities: \*SHB 846, CH 444 (1985), SB 4215
- Emergency residential heating assistance: SB 4332
- Energy code to be in effect in all cities, counties: SB 4268, SSB 4268
- Energy conservation savings returned to state agencies: SB 3487, SSB 3487
- Energy development and financing, Northwest interstate compact: SHB 744
- Heating assistance, DSHS to grant funds to needy: SB 4332
- Heating assistance, utility rate relief, low-income veterans, blind, or disabled: SB 3221

**ELECTRICITY—cont.**

- Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262
- Marketing of power and development of resources by PUDs: SB 3536
- Model conservation standards, compliance in new houses for electric service connection: SB 4207, SSB 4207
- Model conservation standards, delay implementation: SCR 116
- Northwest interstate compact on energy development and financing: SHB 744
- Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197, SB 3263
- PCB's are dangerous waste: SB 3201
- PCB's, DOE to regulate wastes generated from transformers or capacitors: \*SB 3201, CH 65 (1985)
- Performance-based contracts for energy equipment and services: \*HB 949, CH 169 (1985)
- Power planning procedures of PSC's, review: SB 4108
- Preconstruction review of electric plants: SB 3845
- Rate proceedings, intervenors, compensation procedure: SB 3348
- Rates related to power planning procedures, review management decisions: SB 4108
- Service connection, refused, new houses, noncompliance, model conservation standards: SB 4207, SSB 4207
- Solar-powered electrical generating facilities, construction, tax break: SB 3545
- Solar-powered electrical generating facilities, SEPA exempt: SB 3545
- Theft of utility services, civil liability: \*HB 758, CH 427 (1985)
- Utility rate relief for low-income veterans, blind, or disabled: SB 3221, SSB 3221
- Water systems owned by municipalities, electric generation as a by-product: \*SHB 846, CH 444 (1985), SB 4215

**ELLIS, DICK**

- Executive Director of National Office of National Guard  
introduced and addressed Senate ..... p. 345

**EMBALMERS AND FUNERAL DIRECTORS**

- Uniform disciplinary act modified: SHB 131, SB 3260

**EMERGENCIES**

- Energy emergencies, governor's power to declare extended: SB 3438, \*SSB 3438, CH 308 (1985)
- Levy, voter approved tax for emergency medical care and services: SB 3857

**EMERGENCY SERVICES**

- Fowler, Hugh, reappointed as director of the department of emergency management: GA 66, confirmed ..... pp. 121, 399, 453
- Incorporation of new cities, essential service provisions by county provided for 60 days: \*SHB 1191, CH 143 (1985)
- Incorporation of new cities, essential service provisions by county via contract: \*SHB 956, CH 332 (1985)
- Intercounty emergency medical districts: SB 4306
- Levies authorized by taxing districts in relation to difference in county tax: \*SHB 1269, CH 348 (1985)
- Life support technicians covered by uniformed personnel collective bargaining procedures: \*SHB 48, CH 150 (1985)
- Mine rescue plan, 2 mine rescue teams: SB 4208, SSB 4208
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088

**EMPLOYMENT AGENCIES**

- Child abuse convictions, registry established, job screening: SB 3377

**EMPLOYMENT SECURITY, DEPARTMENT OF (See also UNEMPLOYMENT COMPENSATION)**

Isiah Turner, appointed director:

GA 1, confirmed . . . . . pp. 56, 2112, 2177

Apprenticeship training standards, encourage development for nontraditional trades: SB 4224

Combining labor and industries department and employment security department: SB 4326

Community revitalization team for distressed areas: \*2SHB 738, CH 229 (1985)

Conservation corps, administrative expenditures, restricted for projects: SB 3568

Conservation corps, funding for distressed areas: \*SHB 760, CH 230 (1985)

Conservation corps, nonprofit corporations, reimbursement of absorbable costs: SSB 3568

Economic development coordinating council: SB 3614

Employees, political activity restriction removed: SB 3186, \*SB 3624, CH 96 (1985)

Group health insurance, eligibility lapses, continuation procedure: SB 3355

Internship program for students and state employees: \*SHB 178, CH 442 (1985)

Job placement services relating to vocational rehabilitation, coordinate with labor and industries: \*SHB 1084, CH 339 (1985)

Job service program labor exchange, report to legislature: SSB 4196

Labor exchange, job service resources and employment assistance: SB 4196, SSB 4196

Political activity restriction on employees removed: SB 3186, \*SB 3624, CH 96 (1985)

Shared work compensation program, conditions revised: \*SB 3406, CH 43 (1985)

Washington corps coordinating council, recommend projects to department: \*SHB 760, CH 230 (1985)

Youth development and conservation corps to clean up Sound and protect shellfish: 2SHB 1068

Youth employment exchange, funding for distressed areas: \*SHB 760, CH 230 (1985)

**ENERGY**

Agricultural irrigation commission, formation authorized: SB 3286

BPA, withdraw proposal to modify repayment schedule: \*SJM 108 (1985)

Cogeneration certification application procedure: SB 3112, SSB 3112

Consumer advocate office on utilities and transportation: SB 3281

Consumers' counsel office established in the AG's office: SB 4173

Decommissioning of major energy facilities, adoption of procedures required: SHB 339

Development and financing, Northwest interstate compact: SHB 744

Emergencies, governor's power to declare extended: SB 3438, \*SSB 3438, CH 308 (1985)

Energy code, advisory council to revise: SB 4268, SSB 4268

Energy code, revised state energy code: \*SHB 1114, CH 144 (1985)

Energy code to be in effect in all cities, counties: SB 4268, SSB 4268

Energy conservation savings returned to state agencies: SB 3487, SSB 3487

Energy savings account created: SB 3487, SSB 3487

Energy-efficient homes, 1st sale, real estate excise tax exempt: SB 3203

Joint committee on energy and utilities abolished: SB 3213

Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262

Marketing of power and development of resources by PUDs: SB 3536

Model conservation standards, delay implementation: SCR 116

Model conservation standards, new houses, noncompliance refuse electric service connection: SB 4207, SSB 4207

Northwest interstate compact on energy development and financing: SHB 744

**ENERGY—cont.**

- Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197, SB 3263
- Performance-based contracts for energy equipment and services authorized: \*HB 949, CH 169 (1985)
- Preconstruction review of electric plants: SB 3845
- Radon detectors: SHB 894
- Solar-powered electrical generating facilities, construction, tax break: SB 3545
- Solar-powered electrical generating facilities, SEPA exempt: SB 3545
- Waste systems for renewable energy or energy savings, bond reduction: SB 3265, SSB 3265, 2SSB 3265
- Water heater temperatures, apartments with central systems exempt: \*HB 34, CH 119 (1985), SB 3206
- Wood stove regulation: SB 3071

**ENERGY AND UTILITIES, INTERIM COMMITTEE**

- Senators Bottiger, McManus, Benitz and Newhouse appointed members ..... p. 2636

**ENERGY FACILITY SITE EVALUATION COUNCIL**

- Curtis Eschels, appointed chairman:
  - GA 68, confirmed ..... pp. 304, 460, 761, 1059, 1101
- Chief executive officer of EFSEC is to be the chairman: \*SB 4266, CH 67 (1985)
- Decommissioning of major energy facilities, adoption of procedures required: SHB 339
- Duties transferred to DOE: SB 4441

**ENERGY OFFICE, WASHINGTON STATE DEPARTMENT OF**

- Richard Watson, reappointed director:
  - GA 65, confirmed ..... pp. 121, 324, 388

**ENTERTAINERS**

- Unemployment insurance, employer and employee defined: SB 3162, \*SSB 3162, CH 47 (1985)

**ENVIRONMENT (See also AIR POLLUTION; CONSERVATION; ECOLOGY, DEPARTMENT OF; LAND USE PLANNING; POLLUTION; WATER)**

- Businesses, siting of, facilitate: \*HB 830, CH 85 (1985), SB 3412
- Conservation commission, matching grant program for conservation districts: SB 3379, SSB 3379
- Environmental coordination procedures act, comprehensive plan and zoning revisions: SB 3351
- Environmental coordination procedures act, sales, leases, easements, etc., exclusion removed: SB 3351
- Environmental coordination procedures act, special purpose districts included: SB 3351
- Matching grant program for conservation districts: SB 3379, SSB 3379
- Nisqually river system, management program required: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- Permits etc., failure of certain agencies to act is approval: SB 3351
- Solar-powered electrical generating facilities, SEPA exempt: SB 3545
- Waste water treatment commission established: SB 4297
- Youth development and conservation corps to clean up Sound and protect shellfish: 2SHB 1068

**EQUIPMENT, COMMISSION ON**

- Assistance vans may stop on limited access highway: \*HB 271, CH 149 (1985)
- Membership, designees authorized to serve: \*HB 73, CH 165 (1985), SB 3124
- Motor vehicle sunscreens, approval process: \*SB 3085, CH 304 (1985)
- Optical strobe light devices, use restricted to law and emergency vehicles: \*HB 327, CH 331 (1985)

**EQUIPMENT, COMMISSION ON—cont.**

- Seat belts, commission on equipment to report on mandatory law: SHB 1182
- Splash and spray from trucks, semis, etc., adopt rules: SSB 3795
- Splash and spray on heavy commercial vehicles, adopt rules: SB 3795

**ERICSON, LARRY D.**

- GA nomination as member, corrections standards board,  
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- Reappointed member, corrections standards board: GA 133 ..... p. 1253

**EROTIC MATERIALS**

- Sales tax on adult only items, money to child abuse programs: SB 4162

**ESCHELS, CURTIS**

- Chairman, energy facility evaluation council:  
GA 68, confirmed ..... pp. 304, 460, 761, 1059, 1101

**ESCROW AGENTS**

- Escrow commission duties enlarged: \*SHB 190, CH 340 (1985)
- Examination fees modified: \*SHB 190, CH 340 (1985)
- Fees, all to be set by director of licensing: \*SHB 190, CH 340 (1985)
- Fees for administrative support to escrow commission: \*SHB 190, CH 340 (1985)

**ESTATES**

- Award in lieu of homestead, statutory references modified: \*SB 3103, CH 194  
(1985)
- Escheat property, director of revenue to administer estate: \*HB 1004, CH 133  
(1985), SB 3889
- Instruction and forms on probate, attorney general to provide: SB 3025

**ETHICS BOARD, INTERIM JOINT LEGISLATIVE**

- Senators Gaspard, Thompson,  
Sellar and Newhouse appointed members ..... p. 2636

**EVERETT COMMUNITY COLLEGE DISTRICT 5, BOARD OF TRUSTEES**

- Margaret Bruland, GA nomination withdrawn ..... p. 133
- Jean M. Cooley, GA nomination as member, withdrawn ..... p. 133
- Reappointed member: GA 30, confirmed ..... pp. 143, 1763, 2082
- Jean Berkey, member: GA 29, confirmed ..... pp. 143, 1379, 2174, 2501

**EXPLOSIVES**

- Avalanche control activities exempted from explosives law: \*HB 787, CH 191  
(1985)

**EXPO '86 WORLD'S FAIR COMMISSION**

- Evelyn Y. Sun, Executive Director: GA 104 ..... p. 360

**EXPORTING AND IMPORTING**

- Agricultural market research advisory committee to IMPACT center created: SB  
4130
- Agriculture commodity commissions, expenditures, development, trade promo-  
tion, promotional hosting: \*SB 4121, CH 26 (1985), \*HJR 42 (1985)
- Canadian forest products, import restrictions: \*SJM 102 (1985)
- Capital projects office to promote commerce in international markets: SB 4210
- Discovery '92, world trade fair, Captain George Vancouver: SB 3461
- Economic development coordinating council: SB 3614
- Economic development, legislative committee created: \*2SHB 627, CH 467 (1985),  
SB 4211, SSB 4211
- Economic development, legislative committee, sunset provisions: SSB 4211
- Export trade assistance center renamed international trade assistance center: SB  
4213, SSB 4213
- Export trade assistance center renamed small business export finance assistance  
center: \*SHB 1061, CH 231 (1985)

**EXPORTING AND IMPORTING—cont.**

- Forest products, center for international trade: \*SHB 837, CH 122 (1985), SB 3814, SSB 3814
- Forest products market development task force: SB 3907
- Global international education program, K-12: SB 3296, SSB 3296
- Higher education, financial assistance to students of economic recovery-type careers: SB 3617, SSB 3617
- IMPACT, agricultural market research advisory committee: SB 4130
- IMPACT center for agriculture made permanent: \*SHB 1063, CH 39, (1985), SB 4130, SB 4214, SSB 4214
- IMPACT center, primary function, marketing solutions, international marketing: \*SHB 1063, CH 39 (1985)
- IMPACT center to assist in teaching and training of specialists in international trade: SB 4214
- IMPACT center to provide high-quality research, education and nondegree training in international trade: \*SHB 1063, CH 39 (1985), SSB 4214
- IMPACT center to report on success of obtaining nonstate funding: \*SHB 1063, CH 39 (1985), SB 4214, SSB 4214
- International trade and economic development center at UW: SB 4170
- International trade and investment information program: SB 4212
- International trade assistance center: SB 4213, SSB 4213
- International trade assistance center, sunset provisions: SHB 1061, SSB 4213
- International trade office, name changed to office of foreign trade: SSB 3392
- International, trade, tourism, and investment, joint select committee: SCR 115
- Legislative committee on economic development created: \*2SHB 627, CH 467 (1985), SB 4211, SSB 4211
- Legislative committee on economic development, sunset provisions: SSB 4211
- Long-term economic strategy, economic development board to create: \*2SHB 627, CH 467 (1985)
- Market development role for state products defined, agriculture distinguished: \*SHB 1234, CH 159 (1985)
- Market development, state's role defined: SB 4120
- Organic food products, standards established: \*SHB 297, CH 247 (1985)
- Pacific rim foundation created: SB 3034, SSB 3034
- Small business export finance assistance center: \*SHB 1061, CH 231 (1985)
- Small business office created with the department of trade and economic development: \*SHB 625, CH 466 (1985)
- State's role in market development defined, agriculture distinguished: \*SHB 1234, CH 159 (1985)
- State's role in market development for products and technology: SB 4120
- Trade and economic development, commerce and economic development name change, duties enlarged: \*SHB 625, CH 466 (1985)

**FAMILY LAW (See also COMMUNITY PROPERTY; DOMESTIC VIOLENCE)**

- Adoption, consent revocation: \*SHB 877, CH 421 (1985)
- Adoption, consent, what consent statement is to contain: \*SHB 877, CH 421 (1985)
- Adoption, petitions requesting identity disclosure authorized: SHB 112
- Adoption, relinquishment hearing, later of 48 hours or consent: \*SHB 877, CH 421 (1985)
- Adoption, termination of parent-child relationship, who may file, expanded: \*SHB 877, CH 421 (1985)
- Child abuse, dependency cases, criminal information system: \*SB 3596, CH 201 (1985)
- Child abuse, dependency petition, basic rights to be advised: \*HB 492, CH 183 (1985)
- Child abuse, offenders restrained from home access: \*SSB 3240, CH 35 (1985)
- Child abuse or neglect, statement admissible: SB 3481, SSB 3452
- Child custody disputes, mediation: SB 3252, SSB 3252

**FAMILY LAW—cont.**

- Child custody, joint custody given priority: SB 3251
- Child custody, joint, legal, physical, defined: SSB 3251
- Child custody, jurisdiction: SB 3251, SSB 3251
- Child custody or support, priority hearings: SB 3251
- Child custody, public interest, parents, share rights and responsibilities: SB 3251, SSB 3251
- Child support, enforcement by DSHS, revisions: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Child support, enforcement, DSHS procedures with other states: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Child support, health care coverage, duties revised: \*SHB 746, CH 108 (1985)
- Child support, joint legislative committee, repealed: \*SB 3852, CH 294 (1985)
- Child support, location of children for parent with support duty, DSHS to find: SSB 3482
- Child support, modify or terminate must be in order, order is prospective: SB 3323
- Child support, no presumption regarding joint or sole custody: SSB 3251
- Child support, parent income disclosed in order, order must be reasonable: SB 3323
- Child support, wage assignment, employer responsibilities: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
- Child support, wage assignment procedure: SB 3251
- Child support withheld if visitation denied: SB 3222
- Child's statement admissible dependency proceedings, abuse or neglect: SB 3481, SSB 3452
- Child's statement regarding sexual contact admissible in dependency proceedings: \*SHB 272, CH 404 (1985)
- Child's statement, sexual offenses, admissible if child determined not competent to testify: SSB 3452
- Child's statement, sexual offenses, closed circuit television equipment procedure: SHB 852
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- Child's statements, admissible if being a witness would have emotional trauma: SHB 852, SSB 3452
- Custodial interference: SSB 3251
- Custodial interference, class C felony: SB 3251
- Dependency proceedings, abuse or neglect statements of child admissible: SB 3481, SSB 3452
- Dependency proceedings, children's statement admissible regarding sexual contact: \*SHB 272, CH 404 (1985)
- Dependency proceedings, sexual abuse, criminal information system: \*SB 3596, CH 201 (1985)
- Dependency proceedings, sexual abuse information, forward to state patrol: SSB 3377
- Dependency proceedings, sexual offense, child's testimony, tape: SB 3452
- Dependency, termination of parent-child relationship, contempt of order, procedure: \*SSB 4059, CH 257 (1985)
- Family conciliation court, counties, joint operations authorized: SB 3252
- Family conciliation court jurisdiction revised: SB 3252
- Family conciliation court procedures revised: SB 3252
- Family court, joint operations by counties authorized: SSB 3252
- Juvenile, alternative residential placement process, DSHS to develop plan: SSB 3979
- Juvenile placement facilities, unauthorized leave, notify parents and law: SSB 3979, SSB 4059

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- Juveniles, custody by law, must inform child and parent of available community services: SSB 3979, SSB 4059
- Juveniles, custody by law, must inform child and parents of rights: SSB 3979, SSB 4059
- Juveniles, out-of-home placement, disposition plan to set forth parental involvement: SSB 3979
- Juveniles, placement in crisis residential centers, inform of rights and services: SSB 3979, SSB 4059
- Juveniles, placement in crisis residential centers not to exceed 120 hours: SSB 3979
- Juveniles, preventative services to reduce out-of-home placement, DSHS office of prevention: SSB 3979
- Marriage licenses, procedures revised: \*HB 142, CH 82 (1985), SB 3425
- Marriage licenses, \$10 fee deposited in child sexual abuse fund: SB 3245
- Parents' rights as inviolate: SJR 130
- Registration and certification of mental health professionals: SHB 470, SB 3901
- Restraining order or injunctions against person committing child abuse: SB 3240, \*SSB 3240, CH 35 (1985)
- Runaways, persons sheltering, notice required: SB 3243, SSB 3243
- Sexual abuse, dependency proceedings, criminal information system: \*SB 3596, CH 201 (1985)
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- Sexual abuse or exploitation of children, special AG unit to investigate: SB 3246
- Sexual contact, dependency proceedings, child's statement admissible: \*SHB 272, CH 404 (1985)
- Visitation disputes, mediation: SB 3252, SSB 3252
- Visitation, if withheld support may be withheld: SB 3222
- Visitational interference, gross misdemeanor: SB 3251
- Visitational rights of grandparents, etc.: SSB 3251

**FAULK, MARY G.**

- Director, Washington state lottery commission:  
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- Air emission of boats: \*SJM 127 (1985)
- Balanced federal budget via constitutional convention: SJM 103
- Bonneville dam, locking facility, funds: SJM 119
- BPA, withdraw proposal to modify repayment schedule: SJM 108
- Central American refugees, urging Congress to halt the arrests: SJM 124
- Clean water act, federal, DOE powers revised: SB 3353
- Constitutional convention, convening of, procedure change requested: SJM 105
- Constitutional convention, federal, regarding budget, proposed amendment: SJM 106
- Constitutions, U.S. and State, celebrate anniversary: \*SSB 4361, CH 291 (1985)
- Customs, requesting on headquarters for all west coast ports: \*SJM 128 (1985)
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- Farm banks, amend federal law to assist: SJM 121, \*SSJM 121 (1985)
- Federal college savings plan, asking Congress to support tax break: \*SJM 110 (1985)
- Federal office vacancies, procedure: \*SB 3096, CH 45 (1985)
- Federal regional councils, void: SB 3063
- Federal reserve system, constitutionality challenged, referendum: SB 3555

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 111 (1985)  
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 CH 307 (1985)  
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 117, SSJM 117  
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- Challenge constitutionality referendum: SB 3555

**FENNERTY, FRANK E.**

- GA nomination as member, industrial insurance appeals board, withdrawn . . . p.  
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 Reappointed member, industrial insurance appeals board:  
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- Advisory committees, authority enhanced: SB 3215  
 Expenditures from the revenue fund need an appropriation: HB 1198  
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Adjustable variable interest rates authorized: \*SB 3415, CH 224 (1985)

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B & O tax on out-of-state loans to Washington residents: SB 3840

Check cashing fees, report to legislature: HB 701

Check cashing, government checks, no fee or deposit required: SB 3029, SSB 3029

Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165

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Credit cards, interest rates competitive with other states: SB 4113

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Loans, out-of-state to Washington residents, taxed: SB 3840

Loans, sale at wholesale includes commercial, agricultural, or investment purposes: SB 4258

Open-end loan requirements: \*SHB 520, CH 74 (1985), SB 3331, SSB 3331

Sexual orientation, may not discriminate based on: SB 3548

South Africa or Namibia, public pension or retirement funds, cannot invest: SB 3226

State funds, hold or invest, must have affirmative action plan: SB 3345, SSB 3345

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Watch list, available to legislature: SB 3330

**FINN, JANET**

Member, board of trustees, Skagit Valley community

college district 4: GA 28, confirmed . . . . . p. 143, 1765, 2082

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Air navigation facilities, cities responsible for enforcement: \*HB 139, CH 246 (1985)

Annexation of city by district, population threshold increased: \*SB 3625, CH 313 (1985)

Collective bargaining, life support technicians covered by uniformed personnel procedures: \*SHB 48, CH 150 (1985)

Commissioner compensation modified: \*SHB 23, CH 330 (1985)

Disability leave supplement, temporary total disability: \*SHB 435, CH 462 (1985)

Disability, six-month retirement waiting period, full benefits allowed: SB 4298

Emergency medical care and services, voter approved property levy: SB 3857

Fire marshal duties to new state fire protection board: SB 3856, \*SSB 3856, CH 470 (1985)

Fire service training account, revolving fund established: SB 3442, \*SSB 3442, CH 312 (1985)

Hazardous waste handlers to provide notice and reports: SHB 1177

Industrial insurance, law enforcement and fire fighters, disability, salary percentage: SB 3623

Life support technicians covered by uniformed personnel collective bargaining procedures: \*SHB 48, CH 150 (1985)

Liquor premises, security and officers over 18 allowed: \*SB 3851, CH 323 (1985)

Retirement, contributions not required for months not granted service credit: SSB 3717

**FIRE PROTECTION—cont.**

- Retirement, disability benefits, disability ceased, procedure, appeal: \*HB 657, CH 103 (1985)
- Retirement, disability benefits, revisions, clarifications: \*SHB 444, CH 102 (1985), SB 3524
- Retirement, disability, incurred in the line of duty, nonduty: \*SHB 444, CH 102 (1985), SB 3524
- Salary continuation disability allowance: SB 3504
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088
- Sick leave exhausted during disability, draw prospectively: \*SHB 435, CH 462 (1985)
- State fire protection board created: SB 3856, \*SSB 3856, CH 470 (1985)
- Tax exemption, sales and use, fire fighting equipment: SB 3285

**FIRE PROTECTION DISTRICTS**

- Commissioner compensation may be waived by commissioner: \*SHB 23, CH 330 (1985)
- Property tax levies, may levy where townships have never been formed: \*SHB 189, CH 112 (1985)
- Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

**FIREWORKS**

- Classification revised: SB 4195, SSB 4195
- Federal regulations referenced: SB 4195, SSB 4195
- Local ordinances must be entirely consistent: SB 4195, SSB 4195
- State jurisdiction to regulate fireworks on federal enclaves: SJM 122

**FISHER, RANDY S.**

- Reappointed director, department of veterans affairs:  
GA 59, confirmed ..... pp. 120, 363, 415

**FISHERIES, DEPARTMENT OF**

- Agricultural water supply facilities, bonds authorized: SB 4156
- Agriculture department duties regarding aquaculture: \*SB 3067, CH 457 (1985)
- Aquaculture advisory council created: \*SB 3067, CH 457 (1985)
- Aquaculture, aquatic farming, see AGRICULTURE: \*SB 3067, CH 457 (1985)
- Aquaculture disease, agriculture director duties: \*SB 3067, CH 457 (1985)
- Aquaculture disease control account created: \*SB 3067, CH 457 (1985)
- Aquaculture disease program, department of fisheries to report to legislature: \*SB 3067, CH 457 (1985)
- Aquaculture duties of agriculture department: \*SB 3067, CH 457 (1985)
- Aquaculture lands or structures, trespass prohibited: \*SB 3173, CH 289 (1985)
- Aquaculturists, private, contracts for stocking material authorized: SB 3556
- Aquatic farming is agricultural commodity for agriculture department's market development role: \*SHB 1234, CH 159 (1985)
- B & O tax, fresh food fish and shellfish: SB 4226
- Clams, aquatic farming, department of agriculture authority: \*SB 3067, CH 457 (1985)
- Comprehensive annual report to legislature: SB 3170, \*SSB 3170, CH 93 (1985)
- Conservation corps, administrative expenditures, restricted for projects: SB 3568
- Conservation corps, nonprofit corporations, reimbursement of absorbable costs: SSB 3568
- Crab, Dungeness, year-long season: SB 3209
- Enhanced food fish tax: \*SHB 1060, CH 413 (1985)
- Fees, funds to be used for management, enhancement, research, and enforcement: SB 3877, SSB 3877
- Fish and wildlife enhancement program, funding modified: SB 3174

**FISHERIES, DEPARTMENT OF—cont.**

- Fish farming exempted from excise taxation: \*HB 99, CH 148 (1985), SB 3149
- Fishing, bait or lure prohibitions, specific prerequisites established: \*SB 3314, CH 438 (1985)
- Fishing opportunities of juveniles, handicapped, and senior citizens to be maximized: \*SB 3314, CH 438 (1985)
- Flood plain management, DOE to adopt rules: \*SHB 380, CH 454 (1985)
- Food fish, enhanced food fish tax: \*SHB 1060, CH 413 (1985)
- Food fish, enhanced food fish tax, fund management and enhancement: SB 4235
- Food fish, private aquaculturists contracts for stocking material: SB 3556
- Food fish violations, rewards for information: HB 191
- Food fish, voluntary license suspension program in conservation crisis: SHB 243
- Forest practices board, members with specific expertise: SB 3371
- Forest practices interagency assistance team created: SB 3371
- Funds from fees, use for management, enhancement, research, enforcement: SB 3877, SSB 3877
- Halibut, punchcard may be required: SB 3877, SSB 3877
- Hatcheries, funding of fish and wildlife enhancement program modified: SB 3174
- Hood Canal shrimp stamp, 16 years and older: SB 3877, SSB 3877
- Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)
- Hydraulic projects, authority transferred to ecology department: SB 3253
- Hydraulic projects, study committee formed: \*SHB 223, CH 123 (1985)
- Inspection of fishing equipment, license is implied consent: SSB 4038
- In-state defined for tax purposes: SB 4226
- Landed defined for tax purposes: SB 4226
- License required for nonresidents to take food fish and shellfish: SB 3171, SSB 3171
- Lingcod, punchcard may be required: SB 3877, SSB 3877
- Management and enhancement, funded by an enhanced food fish tax: SB 4235
- Market development, agricultural commodities includes aquatic farming, agriculture department's role: \*SHB 1234, CH 159 (1985)
- Mt. St. Helens surplus land may be disposed of for fish and wildlife habitat: \*SB 4146, CH 307 (1985)
- Mussels included in shellfish definition: HB 110, SB 3175, \*SSB 3175, CH 51 (1985)
- Natural fish runs, reinstate Tilton and upper Cowlitz salmon and steelhead runs: SB 4314, \*SSB 4314, CH 208 (1985)
- Nonresidents, shellfish and food fish license required: SB 3171, SSB 3171
- Ocean ranching policy: \*SB 3067, CH 457 (1985)
- Oregon angling license provisions: SB 3877, SSB 3877
- Outside the state defined for tax purposes: SB 4226
- Oyster reserve lands, lease on a long-term basis: \*SSB 4041, CH 256 (1985)
- Oyster reserves, manage on a sustained yield basis, inventory: \*SSB 4041, CH 256 (1985)
- Oysters, aquatic farming, department of agriculture authority: \*SB 3067, CH 457 (1985)
- Patrol officers empowered to enforce traffic and criminal laws: \*SHB 127, CH 155 (1985), SB 3185, SSB 3185
- Personal use licenses, annual license required for 16 and older: SB 3877, SSB 3877
- Prison work programs, food fish, shellfish, and game rearing: SB 3207, \*SSB 3207, CH 286 (1985)
- Puget Sound institute established: SHB 506, SB 4220
- Report annually to legislature on natural resources: SB 3170, \*SSB 3170, CH 93 (1985)
- Rewards for information about food fish/shellfish violations: HB 191
- Salmon advisory council to report to legislature on facility funding and capacity: \*SSB 3384, CH 458 (1985)
- Salmon and steelhead rehabilitation and enhancement policy board: SB 3384

**FISHERIES, DEPARTMENT OF—cont.**

- Salmon angling license, Oregon reciprocity, boundary clarification: \*SHB 14, CH 174 (1985)
- Salmon, aquaculture status: \*SB 3067, CH 457 (1985)
- Salmon artificial propagation act: SB 3060
- Salmon, artificial propagation, salmon culture division to control: SB 3060
- Salmon, barbed hooks not to be prohibited: SB 3061
- Salmon fishery resources, long-term regional enhancement policy and plan: \*SSB 3384, CH 458 (1985)
- Salmon, gill nets, monofilament, use restrictions removed: \*HB 31, CH 147 (1985), SB 3114
- Salmon hatcheries, private ownership by nonprofit corporations: SB 3064
- Salmon, monofilament gillnet webbing, coordination between states: \*HB 31, CH 147 (1985)
- Salmon, natural runs on upper Cowlitz and Tilton reinstated: SB 4314, \*SSB 4314, CH 208 (1985)
- Salmon punchcard requirements modified: SB 3877, SSB 3877
- Salmon, sale of inedible, revisions: \*SB 3368, CH 28 (1985)
- Salmon treaty, ratify: SJM 101
- Salmon troll license allows fishing in all districts: \*HB 670, CH 107 (1985)
- Salmon, use private aquaculturists when state production is below 85%: SB 3556
- Salmon, water-dependent fish and wildlife, protection and enhancement: SB 3311
- Scuba or skin diving, regulations regarding food fish or shellfish: SSB 3877
- Shellfish, certificate of approval required by growers, processors: HB 110, SB 3175, \*SSB 3175, CH 51 (1985)
- Shellfish, "commercial quantities" added to definitions: HB 110, SB 3175, \*SSB 3175, CH 51 (1985)
- Shellfish includes mussels: HB 110, SB 3175, \*SSB 3175, CH 51 (1985)
- Shellfish, private aquaculturists contracts for stocking material: SB 3556
- Shellfish protection districts: \*SHB 814, CH 417 (1985)
- Shellfish, recreational and commercial areas, improve and protect: 2SHB 1068
- Shellfish, violations, fines increased to \$1,000: HB 110, SB 3175, \*SSB 3175, CH 51 (1985)
- Shellfish violations, rewards for information: HB 191
- Shellfish voluntary license suspension program in conservation crisis: SHB 243
- Shellfish, youth development and conservation corps to clean up Puget Sound: 2SHB 1068
- Steelhead, aquaculture status: \*SB 3067, CH 457 (1985)
- Steelhead, natural runs on upper Cowlitz and Tilton reinstated: SB 4314, \*SSB 4314, CH 208 (1985)
- Steelhead, water-dependent fish and wildlife, protection and enhancement: SB 3311
- Sturgeon, punchcard may be required: SB 3877, SSB 3877
- Taxation, food fish and shellfish, landed, in-state, and outside the state defined: SB 4226
- Treaty fish management, requesting federal funds: HJM 17
- Trespass on aquaculture lands or structures prohibited: \*SB 3173, CH 289 (1985)
- U.S.-Canada salmon treaty, ratification urged: SJM 101
- Water, consumptive permits not issued until minimum flows set: SB 3311
- Water supply projects, bonds authorized: SB 4136, SSB 4136, 2SSB 4136
- Water-dependent fish and wildlife, protection and enhancement: SB 3311
- Watersheds, agencies and municipalities responsible for, keep lands open for recreation: SB 3894, SSB 3894
- Wholesale fish dealers, damages, fines, bonds: \*SHB 466, CH 248 (1985)
- Youth development and conservation corps to clean up Sound and protect shellfish: 2SHB 1068

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- Appointed member, education, judiciary, rules and ways  
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**FLEX-TIME**

- Flexible working hours for state agencies: \*SHB 1195, CH 411 (1985)

**FLOOD CONTROL DISTRICTS**

- Connection charges may be collected by a metropolitan municipal corporation:  
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- Ecology department to adopt flood plain management rules: \*SHB 380, CH 454  
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- Lake Osyoos, joint venture with British Columbia, outflow and level: \*SB 3576,  
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- Powers specified: SB 3313
- Special purpose districts, creation, elections, operations, uniformity: \*SHB 150, CH  
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**FLOYD, L. C. MIKE**

- GA nomination as trustee, Walla Walla community college  
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- Reappointed member, board of trustees, Walla Walla community  
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- B & O tax rate, food processors, single rate: SB 4295
- Flour and bread requirements modified: \*SB 4122, CH 25 (1985)
- Food processors, single B & O tax rate: SB 4295
- Junk food taxed, educational programs for gifted students: SB 4283
- Kosher foods, sale regulated: \*SHB 459, CH 127 (1985), SB 3525, SSB 3525
- Meals furnished to elderly, low-income, or handicapped, tax exempt: \*HB 183,  
CH 104 (1985)
- Organic food products, standards established: \*SHB 297, CH 247 (1985)
- Salmon, sale of inedible, revisions: \*SB 3368, CH 28 (1985)
- Sodium nitrite, food service establishments, notice to public: SB 3321
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- Emergency food program established: SB 4261
- Tax exemption for meals served to elderly, low-income, or handicapped: \*HB  
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**FORD, DONALD M.**

- Member, oil and gas conservation commission: GA 141 ..... p. 1254

**FOREIGN LANGUAGE**

- Spanish and japanese instruction in common schools: \*SSB 3516, CH 379 (1985)

**FOREST PRODUCTS**

- Canadian forest products, import restrictions: \*SJM 102 (1985)
- Farm labor contractors, agricultural employees, regulated: \*SHB 199, CH 280  
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- Forest practices board, members with specific expertise: SB 3371
- Forest practices board membership modified: SSB 3659
- Forest practices interagency assistance team created: SB 3371
- Forest products market development task force: SB 3907

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- International trade center, forest products: \*SHB 837, CH 122 (1985), SB 3814, SSB 3814
- Market development, state's role defined: SB 4120
- Open space classification, transfer to from forest land, compensating tax, delay: SB 4315, SSB 4315
- State's role in market development for products and technology: SB 4120
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335

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- Comprehensive forfeiture act: SB 3329
- Drug violations, all real property: SB 3608

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- Ramon L. Barnes, member:
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**FOSTER, DALE**

- Member, board of trustees, Spokane community college district 17: GA 76, confirmed ..... pp. 306, 1381, 2174, 2505

**FOWLER, HUGH H.**

- Reappointed director, department of emergency management:
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- Introduced and addressed senate ..... p. 1153

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- Accident fund transferred to industrial insurance fund: SB 4137
- Alcohol awareness program authorized, public safety and education account: SB 3037
- Aquaculture disease control account created: \*SB 3067, CH 457 (1985)
- Automobile and truck tire recycling account: SB 3863
- Basic health plan trust account, hospital assessments: SB 3320, SSB 3320
- Basic health plan trust account, tax on physicians: SB 3320, SSB 3320
- Boxing account, 2% of gross receipts: SB 3318
- Building code council account established: SB 3261, \*SSB 3261, CH 360 (1985)
- Capital improvements account created: SB 4147
- Centennial fund created: \*SSB 4361, CH 291 (1985)
- Child abuse, funds for programs through tax on erotic "adult only" materials: SB 4162
- Child victims of sexual abuse fund, birth certificate fees: SB 3244
- Child victims of sexual abuse fund, marriage license fees: SB 3245
- Concealed weapon permit, fee, distribution of fund, part to game fund, part to issuer: SB 3450, \*SSB 3450, CH 428 (1985)
- County road administration board, fund authority modified: \*SHB 321, CH 120 (1985)
- Criminal justice assistance account: SB 3764, SSB 3764, 2SSB 3764
- Deferred compensation committee, appropriation implementation: \*SB 4236, CH 199 (1985)
- Distinguished professorship program, trust fund created: \*SHB 781, CH 343 (1985)
- Economic development account of the motor vehicle fund created: \*SHB 863, CH 433 (1985)
- Emergency expenditures, legislature may establish agency to control: SJR 101
- Energy savings account created: SB 3487, SSB 3487

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- Expenditures limited, appropriation formula based on income and population:  
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- Game fund, concealed weapon permit fee, portion of: SB 3450, \*SSB 3450, CH 428 (1985)
- Hazardous substance response trust fund, finance clean up: SB 4255
- Hazardous substances, illegal, improper release, study for new laws and funding:  
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- Health professions account, all fees, fines, etc., to be deposited in: SHB 131, SB 3260
- Heart Lake revolving fund money to park land trust revolving fund: \*SHB 958, CH 163 (1985)
- Highway construction stabilization account: \*HB 720, CH 140 (1985)
- Highway safety fund, drunk driving reinstatement fees not deposited in: SB 3089
- Highway safety fund, license fees, deposits modified: SSB 3927
- Hospital fair share trust account for charity care: SB 3566
- Human intellect office fund: SB 3421
- Indigent soldiers' relief fund, amount available increased: SB 3005
- Indigent soldier's relief fund, hall rental increase: \*SHB 177, CH 181 (1985)
- Indigent soldiers' relief fund renamed veterans' assistance fund, threshold modified: SSB 3005
- Industrial insurance administrative fund created: SB 4137
- Industrial insurance fund created: SB 4137
- Industrial insurance fund established, powers and duties: SB 4319
- Industrial insurance trust funds, investment authorized: HJR 12, SJR 107
- Institutional impact account, reimbursement criteria modified: SB 3233
- Insurance commissioner's industrial insurance operating fund: SB 4137
- Insurance commissioner's insurance and fire marshal regulatory accounts created: SSB 3657
- Investment of public lands permanent funds authorized: SJR 111
- Liquor revolving fund, disbursement modified: SB 3058
- Liquor revolving fund, no disbursement if liquor prohibited: SB 3058
- Lottery account created, lottery fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)
- Lottery administrative account created, revolving fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)
- Lottery fund, use modified: SB 3441
- Lottery revenue apportionment, 50% to general fund, etc.: SB 3441
- Lottery revolving fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)
- Marina facilities inspection account: SB 4287
- Medical aid fund, industrial coverage, DRG basis: SB 3354, \*SSB 3354, CH 368 (1985)
- Medical aid fund transferred to industrial insurance fund: SB 4137
- Motor vehicle fund transfer to the rural arterial trust account for the CRAB board:  
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- New economic development fund, lottery revenue to: SB 4280
- Nomenclature in accounts and funds, generally accepted accounting principles:  
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- Noxious weed control fund created: SB 3234
- Park land trust revolving fund, acquire island land: \*SHB 958, CH 163 (1985)
- Public employees' insurance fund created: SB 3833
- Public safety and education account, court filing fees, \$15: SB 4202
- Public works assistance account: SB 3798, SSB 3696, SSB 3798, \*SSB 4228, CH 471 (1985)
- Radiation control account created, shipping fees: SB 3491
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- Refrigeration and air conditioning services certificate fund: SB 3579  
 Reserve fund transferred to industrial insurance fund: SB 4137  
 Risk management office, protect and manage revenues and assets: \*SB 3569, CH 188 (1985)  
 School employee suggestion award account: SB 3160  
 Second injury fund: SB 4137  
 Sexual abuse, child victims fund established, birth certificate fees: SB 3244  
 Sexual abuse, child victims, fund established, marriage license fees: SB 3245  
 Smoke management account created: SHB 1122  
 Smoking, research funds for cancer and smoking effects: SB 3269  
 Solid waste management fund, user fees: SHB 486  
 State employees' insurance reserve account, established: SB 4239  
 Tourism development partnership capital fund, custody of commerce and economic development department: SSB 4100  
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 Urban area parks, funding modification: SB 3324  
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 Vessel local excise tax account created: SSB 3157  
 Western library network computer system revolving fund: \*SSB 3047, CH 21 (1985)  
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 WSDOT authorized to receive federal funds: \*SB 3121, CH 20 (1985)

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- Storage and disposal of human remains, dignity prescribed: \*SHB 68, CH 402 (1985)

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- Sale at auctions, restricting: HB 464

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- Member, board of trustees, Clark community college  
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**GALLOWAY, ALEENE M.**

- Member, board of trustees, Columbia Basin community college  
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- Pat "Margaret" Williams, GA nomination as member,  
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- Charitable or nonprofit organization, political action committee exception: SB 3066
- Coin-operated music, wagering allowed: SHB 101, \*HB 310, CH 86 (1985)
- Commercial stimulant, class B or H licenses, gambling is incidental: SB 3066
- Consolidating the gambling commission, lottery commission, liquor control board: SB 4325
- County tax, area limited: \*SB 3486, CH 172 (1985), SB 3835
- Employees, private benefit due to public employment prohibited: SB 3590, SSB 3590
- Grocery stores, chance drawings, requirements revised: \*SHB 101, CH 473 (1985)
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- Horse racing, breeder award conditions: SB 3342, \*SSB 3342, CH 146 (1985)
- Horse racing, licensee revisions: SB 3342, \*SSB 3342, CH 146 (1985)
- Horse racing, paint horse: SB 3342, \*SSB 3342, CH 146 (1985)
- Lotteries, valuable consideration sections deleted: SHB 101, SB 4134
- Political action committee exception to charitable or nonprofit organization rules: SB 3066
- Private benefit due to public employment prohibited: SB 3590, SSB 3590
- Promotional contests of chance, requirements set forth: SHB 101, SB 4134
- Punchboards and pulltabs, chance value not to exceed one dollar: SB 3196
- Punchboards and pulltabs, 25 cent limit modified: SB 3066, \*SSB 3066, CH 468 (1985)
- Raffle tickets, allowable price increased to 5 dollars: \*HB 402, CH 75 (1985), SB 3471
- Social card game modified: SB 3066, \*SSB 3066, CH 468 (1985)
- Turkey shoots authorized: \*SB 3494, CH 170 (1985)
- Wagering allowed for coin-operated music: SHB 101, \*HB 310, CH 86 (1985)

**GAME, DEPARTMENT OF**

- Anadromous game fish license increased to \$150: SB 4231, \*SSB 4231, CH 464 (1985)
- Aquaculture advisory council created: \*SB 3067, CH 457 (1985)
- Aquaculture disease, agriculture director duties, etc.: \*SB 3067, CH 457 (1985)
- Aquaculture duties of agriculture department: \*SB 3067, CH 457 (1985)
- Archery stamp abolished: SB 3172, SB 4231, \*SSB 4231, CH 464 (1985)
- Blind, fishing license free, residency altered: SB 4231
- Blind, fishing license if have a disabled parking card: \*HB 479, CH 182 (1985)
- Comprehensive annual report to legislature: SB 3170, \*SSB 3170, CH 93 (1985)
- Concealed weapon permit, fee, distribution of fund, part to game fund, part to issuer: SB 3450, \*SSB 3450, CH 428 (1985)
- Conservation corps, administrative expenditures, restricted for projects: SB 3568
- Conservation corps, nonprofit corporations, reimbursement of absorbable costs: SSB 3568
- Conservation licenses, requirements modified: SHB 274, SB 3172
- Conservation licenses, 16 years or older, required, fee increased: SB 4231, \*SSB 4231, CH 464 (1985)
- Damage to wild shrubs and range land vegetation is crop damage: SB 3116, \*SSB 3116, CH 355 (1985)
- Damages by wildlife, procedures clarified: \*SSB 3116, CH 355 (1985)
- Dealers of licenses, commission to adopt amount of fee to be retained, report to legislature: \*SSB 4231, CH 464 (1985)
- Deer, elk, bear, cougar, sheep, mountain goat, moose, wild turkey, fee increased: SB 4231
- Developmental disability, free fishing licenses, DSHS documentation: HB 266, \*SSB 4231, CH 464 (1985)

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 Falconry license required: \*SSB 4231, CH 464 (1985)  
 Falconry, stamp fee increased: SB 4231  
 Fees to be adjusted biennially, legislature to develop with commission: SB 4231  
 Firearms safety and legal limits of use, pamphlet to be issued: SB 3450, \*SSB 3450, CH 428 (1985)  
 Fish and wildlife enhancement program, funding modified: SB 3174  
 Fishing, bait or lure prohibitions, specific prerequisites established: \*SB 3314, CH 438 (1985)  
 Fishing guide license increased to \$150 resident, \$500 nonresident: SB 4231, \*SSB 4231, CH 464 (1985)  
 Fishing license for blind or disabled with disabled parking card: \*HB 479, CH 182 (1985)  
 Fishing license for those over 70, study fee: \*SSB 4231, CH 464 (1985)  
 Fishing license, free, developmental disability with DSHS documentation: HB 266, \*SSB 4231, CH 464 (1985)  
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 Fishing license, free to veterans over 65, residency altered: SB 4231  
 Fishing license, free to wheelchair bound, residency altered: SB 4231  
 Fishing license increased to \$14: SB 4231, \*SSB 4231, CH 464 (1985)  
 Fishing license minimum age reduced to 14 from 16: HB 266  
 Fishing license not required if under age 15: \*SSB 4231, CH 464 (1985)  
 Fishing license to blind persons free, residency altered: SB 4231  
 Fishing licenses, free if use 2 crutches: SB 3259  
 Fishing licenses, senior citizens, 50% fee reduction: HB 266  
 Fishing opportunities of juveniles, handicapped, and senior citizens to be maximized: \*SB 3314, CH 438 (1985)  
 Forest practices board, members with specific expertise: SB 3371  
 Forest practices interagency assistance team created: SB 3371  
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 Fur dealer's license increased to \$150: SB 4231, \*SSB 4231, CH 464 (1985)  
 Fur sales at auctions, restricting the sale: HB 464  
 Game farm license increased to \$60: SB 4231, \*SSB 4231, CH 464 (1985)  
 Game farm license, private sector cultured aquatic products exempt: \*SB 3067, CH 457 (1985)  
 Game fish planting permit, increased to \$20: SB 4231, \*SSB 4231, CH 464 (1985)  
 Game fund, concealed weapon permit fee, portion of: SB 3450, \*SSB 3450, CH 428 (1985)  
 Game funding provided by an additional tax on sales: SSB 4039  
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 Hatcheries, funding of fish and wildlife enhancement program modified: SB 3174  
 Hound stamp fee increased: SB 4231  
 Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)  
 Hunting and fishing license increased to \$24: SB 4231, \*SSB 4231, CH 464 (1985)  
 Hunting license free if use 2 crutches: SB 3259  
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- Appointment of state board of education members: SB 3511
- Civil service exemptions of executive branch, from 175 to 250: SB 4245
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- Creative thought and development, coordinator established in governor's office: SSB 3421
- Developmental disabilities, state-wide protection and advocacy agency established: SHB 820
- Energy emergencies, power to declare extended: SB 3438, \*SSB 3438, CH 308 (1985)
- Governor notified that the legislature is organized: \*SCR 102 (1985)
- Gubernatorial appointments, if not rejected, confirmed 1 year term: SB 3628
- Hanford as high-level disposal site, priority to causes of action: SCR 106
- Human rights commission executive director, appoint: SB 3344
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- Contraceptives exempted from sales and use: SB 3844
- Contract disapproval authority of insurance commissioner expanded: \*SHB 1046, CH 283 (1985)
- Corporations, nonprofit nonstock, health care professionals authorized: SB 3069, \*SSB 3069, CH 431 (1985)
- Cost containment, joint select committee: SCR 110
- Cost containment program, health care, establish within OFM: SSB 4242
- Cost control of health care services: SB 4242, SSB 4242
- Dietetic services registration act, diet plans, etc.: SB 3451
- Drug apparatus, except eyeglasses, sales and use tax exempt: SB 3429
- Drug apparatus sales and use tax exempt: SB 3429
- DTP vaccine, enact legislation to continue production: SJM 125
- Education program by state agencies: SB 4240
- Flour and bread requirements modified: \*SB 4122, CH 25 (1985)
- Grocery stores must have public restrooms: HB 51
- Ground water contamination, civil action authorized by injured parties: SB 4440
- Group health insurance, eligibility lapses, continuation procedure: SB 3355
- Health care assistants, authorized in nursing homes: \*SSB 3262, CH 284 (1985)
- Health care assistants, included in health professions for regulation purposes: \*SHB 482, CH 117 (1985)
- Health care cost containment program, establish within OFM: SSB 4242
- Health care facilities or practitioners, fee to health professions account at certification time: \*SHB 482, CH 117 (1985)
- Health care professionals, nonprofit nonstock corporations authorized: SB 3069, \*SSB 3069, CH 431 (1985)
- Health care services, definition modified: SB 3541, SSB 3541
- Health care services, indemnity or reimbursement: SB 3541, SSB 3541
- Health care services, master list filed annually: SB 3541, SSB 3541
- Health care services, provider defined: SB 3541, SSB 3541
- Health planning and resource development act repealed: SB 3529
- Health professions account, all fees, fines, etc., to be deposited in: SHB 131, SB 3260
- Home health agencies, LBC to study: SHB 397
- Home health care agencies are not health care facilities for certificate of need purposes: SHB 397, SSB 3789
- Home-delivered nursing home services, insurance coverage: SB 3231, SB 3293
- Hospice care agencies, natural death act modified: SB 3228, SSB 3228
- Hospices are not health care agencies for certificate of need purposes: SSB 3789
- Industrial insurance, health care cost containment: SB 3354, \*SSB 3354, CH 368 (1985)

**HEALTH CARE AND SERVICES—cont.**

- Informed consent to include side effects: SB 4252
- Insurance coverage duties revised, child support: \*SHB 746, CH 108 (1985)
- Insurance coverage for nursing home, home-delivered services: SB 3231, SB 3293
- Insurance payment directly to provider of health care services: SHB 836, SB 3916, SSB 3916
- Insurance, preferred provider arrangements authorized: SB 4323
- Insurance, state employees, retired or disabled, participation continued: SHB 61
- Long-term care ombudsman, insurance commissioner office: SB 3793
- Mastectomy, lumpectomy, may not refuse insurance based on: \*SSB 3989, CH 54 (1985)
- Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)
- Medical aid fund, industrial coverage, DRG basis: SB 3354, \*SSB 3354, CH 368 (1985)
- Mental health, regional residential care systems: SB 3295, SSB 3295
- Migrant health centers, DSHS, annual grants: SB 3297
- Natural death act, procedure when no written directive, attorney power: SB 3228, SSB 3228
- Negligence, informed consent, side effects: SB 4252
- Nursing assistants, definition modified, nursing care wing facilities: SB 3262, \*SSB 3262, CH 284 (1985)
- Payment directly to provider of health care services: SHB 836, SB 3916, SSB 3916
- Privileged communications, RNs and patients: SB 4107, \*SSB 4107, CH 447 (1985)
- Provider, definition: SB 3541, SSB 3541
- Public employee benefit formulas, modifications require 60% vote: SB 3562, SJR 110
- Radiation control power of DSHS, radiological baseline, monitor emissions, cancer data: SB 3799
- Radiation control power of DSHS, radiological baseline, monitor emissions, epidemiological research: \*SSB 3799, CH 383 (1985)
- Radon detectors: SHB 894
- Reconstructive breast surgery provisions: \*SSB 3989, CH 54 (1985)
- Regional mental health residential care systems: SB 3295, SSB 3295
- Residential care facilities, regulated: SB 3229
- Respite care demonstration projects, continue: SB 3177, SSB 3177
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088
- School employees, certified and classified, health coverage by public employees' insurance board: SB 3833
- Scoliosis screening, all in grades 5 through 10, except for religious beliefs or redundancy: \*SB 4227, CH 216 (1985)
- Side effects, consent form to include disclosure: SB 4252
- Smoking, research funds for cancer and smoking effects: SB 3269
- Sodium nitrite, food service establishments, notice to public: SB 3321
- Sulfiting agent in food, notice to public: SB 3613
- Tax on cigarettes to fund basic health care: SB 3320, SSB 3320
- Transfusions, legal immunity: SB 4104
- Tubal ligation services, must be offered in certain hospitals: SB 4171
- Uniform disciplinary act, complaints, immunity: SHB 131, SB 3260
- Uniform disciplinary act modified: SHB 131, SB 3260
- Worker and community right to know modified: SB 3150
- Worker and community right-to-know, communication of workplace hazards: \*SHB 1170, CH 409 (1985)

**HEALTH CLUBS AND STUDIOS**

- Purchasers of services, protection provided: SB 3161, SSB 3161

**HEALTH MAINTENANCE ORGANIZATIONS**

- Acupuncture, group health insurance plan coverage: SB 3606
- Continuation of coverage if individual dies, or marriage terminates: SB 3540, \*SSB 3540, CH 320 (1985)
- Contract disapproval authority of insurance commissioner expanded: \*SHB 1046, CH 283 (1985)
- Contract, reference changed to "agreement": SB 3540, \*SSB 3540, CH 320 (1985)
- Coverage of dependents continues past age 18 for mental health reasons: SB 3540
- Endorsements which differ from original bargain must be signed: SB 3540, \*SSB 3540, CH 320 (1985)
- Panel medicine plan, revisions: SB 3540, \*SSB 3540, CH 320 (1985)
- Reimbursement and indemnity provisions modified: SB 3540
- Services allowed, certain limitations removed: SB 3540, SSB 3541

**HEALTH, STATE BOARD OF**

- Powers modified: \*HB 610, CH 213 (1985)
- Social and health services, department of, relative powers: \*HB 610, CH 213 (1985)
- Sunset review: \*HB 610, CH 213 (1985)

**HEARING AIDS**

- Fitting and dispensing, patient must have medical clearance and recommendation: SB 3585
- Rebates, sellers, and suppliers prohibited from receiving: SB 3559
- Sellers and suppliers prohibited from receiving rebates: SB 3559
- Tax exempt, sales and use: SB 3585
- Uniform disciplinary act modified: SHB 131, SB 3260

**HEATING ASSISTANCE**

- Emergency residential heating assistance: SB 4332
- Grant of funds by DSHS to needy individuals: SB 4332
- Utility rate relief for low-income veterans, blind, or disabled: SB 3221

**HELKE, RICHARD E.**

- GA nomination as member, state investment board, withdrawn ..... p. 355

**HENKE, QUEEN DARCI**

- Apple blossom festival, Wenatchee royalty court introduced and addressed senate ..... p. 586

**HENRY, HEWITT A.**

- GA nomination as member, clemency and paroles board, withdrawn ..... p. 1248

**HERRELL, W. KEITH**

- GA nomination as trustee, Grays Harbor community college district 2, withdrawn ..... p. 133
- Reappointed member, board of trustees, Grays Harbor community college district 2: GA 24, confirmed ..... pp. 142, 1764, 2081

**HICKS, THE HONORABLE JUDGE FLOYD**

- Administered oath of office to newly elected and re-elected senators ..... p. 1
- Senate Floor Resolution 1985-8 ..... p. 125

**HIGH-TECHNOLOGY COORDINATING BOARD, WASHINGTON**

- Edward 'Ned' W. Barnholt, GA nomination as member, withdrawn ..... p. 1248
- Reappointed member: GA 126 ..... p. 1251
- Robert W. Hager, GA nomination as member, withdrawn ..... p. 1248
- Donnalee Rutledge, member: GA 124 ..... p. 1251

**HIGH-TECHNOLOGY COORDINATING BOARD, WASHINGTON—cont.**

- Yih-ho "Michael" Pao, GA nomination as member, withdrawn . . . . . p. 1248  
 Robert M. Schaefer, member: GA 125 . . . . . pp. 1251, 2113  
 James E. Minor, member: GA 127, confirmed . . . . . pp. 1252, 2113, 2454

**HIGHER EDUCATION FACILITIES AUTHORITY**

- Harry E. Morgan, Jr., member:  
 GA 97, confirmed . . . . . pp. 359, 1769, 2462  
 Robert K. Powers, GA nomination as member, withdrawn, . . . . . p. 355  
 Reappointed member : GA 94 . . . . . p. 358  
 Reappointed member : GA 152, confirmed . . . . . pp. 1256, 1769, 2463  
 Very Reverend William J. Sullivan, S.J., GA nomination as member, withdrawn .  
 p. 355  
 Reappointed member : GA 95, confirmed . . . . . pp. 359, 1769, 2370  
 Delores E. Teutsch, GA nomination as member, withdrawn . . . . . p. 356  
 Reappointed member : GA 96, confirmed . . . . . pp. 359, 1769, 2462

**HIGHER EDUCATION PERSONNEL BOARD**

- Virginia P. Apadaca, member: GA 153 . . . . . p. 1445  
 Jane McCormack, GA nomination as member, withdrawn . . . . . p. 1248  
 Affirmative action program to be maintained: \*SSB 3346, CH 365 (1985)  
 Consolidate with state personnel: SB 3190  
 Employee exchange program, government, nongovernment: SHB 2  
 Internship program for students and state employees: \*SHB 178, CH 442 (1985)  
 Mobility between personnel systems: \*HB 116, CH 461 (1985), SB 3191  
 Termination of employment for unsatisfactory work: \*HB 116, CH 461 (1985), SB  
 3191  
 Unsatisfactory or inadequate work, terminate employee and tolerant supervisor:  
 \*HB 116, CH 461 (1985), SB 3191  
 UW print craft employees exempt from higher education law: \*HB 168, CH 266  
 (1985)

**HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9, BOARD OF TRUSTEES**

- Marilu M. Brock, GA nomination as member, withdrawn . . . . . p. 133  
 Reappointed member: GA 37, confirmed . . . . . pp. 144, 1766, 2083  
 Elizabeth N. Metz, GA nomination as member, withdrawn . . . . . p. 133  
 Reappointed member: GA 36, confirmed . . . . . pp. 144, 1766, 2083

**HILL, STEVE**

- Member, hospital commission: GA 87, confirmed . . . . . p. 356, 1236, 1382

**HILLARD, FRANCIS WILLARD**

- Grandfather of Senator Owen introduced  
 and addressed senate . . . . . p. 415

**HILYER, RHONDA**

- Member, board of trustees,  
 Seattle community college district 6:  
 GA 73, confirmed . . . . . pp. 305, 1381, 2174, 2504

**HIRAI, PAUL**

- GA nomination as trustee, Big Bend community college district 18, withdrawn p.  
 134  
 Reappointed member, board of trustees, Big Bend community college  
 district 18: GA 48, confirmed . . . . . pp. 146, 1767, 2085

**HISTORICAL CONSERVATION AND HISTORY**

- Archaeological material, disposition procedures revised: \*SB 3028, CH 64 (1985)  
 Centennial program includes archaeological program: \*SSB 4361, CH 291 (1985)  
 Historic preservation officer duties modified: \*SB 3028, CH 64 (1985)

**HISTORICAL CONSERVATION AND HISTORY—cont.**

- Local improvement districts, museum, cultural or arts facilities authorized: \*SHB 379, CH 397 (1985)  
 Maintenance and preservation of historic properties procedures: SB 3283, \*SSB 3283, CH 449 (1985)  
 Military installations on the national register, tax exempt: SB 3878  
 National history day program for schools: SB 3843  
 Oral history advisory committee created: SB 3629  
 Oral history program: SB 3629  
 Preference to historic properties for use by state agencies: SB 3282  
 Tax classification as a historic property, process: SB 3283, \*SSB 3283, CH 449 (1985)  
 Thomas Burke memorial museum, termination repealed: \*SB 4169, CH 29 (1985)

**HISTORIC PRESERVATION OFFICER**

- Jacob Thomas appointed as state historic preservation officer:  
 GA 58, confirmed ..... pp. 120, 513, 949

**HITE, PATRICIA G.**

- Reappointed member, board of trustees, Whatcom community college district 21: GA 54, confirmed ..... pp. 147, 1768, 2086

**HOLIDAYS**

- King, Martin Luther, state holiday observing birth: \*HB 222, CH 189 (1985), SB 4256  
 Presidents day, Lincoln and Washington's birthday celebrated on: \*HB 222, CH 189 (1985)

**HOLLISTER, ROBERT L. JR**

- Director, state department of retirement systems:  
 GA 105, confirmed ..... pp. 360, 2113, 2325

**HOME HEALTH CARE**

- Class A and class B home care providers: SB 4218  
 Home care advisory council, governor appoints: SB 4218  
 Home care providers licensed: SB 4218  
 License required to provide home health care services: SB 4218

**HOME SCHOOLING (See SCHOOLS AND SCHOOL DISTRICTS)****HOMELESS**

- Emergency shelter program for the homeless: SB 3774

**HOMESTEADS**

- Award in lieu of homestead, statutory references modified: \*SB 3103, CH 194 (1985)  
 Special assessments for public improvements, homestead is subject to: SB 4131

**HONDA, JOSEPH M.**

- GA nomination as member, state board of pharmacy,  
 withdrawn ..... p. 1247  
 Reappointed member, state board of pharmacy: GA 129 ..... p. 1252

**HOOD CANAL**

- Shellfish protection districts: \*SHB 814, CH 417 (1985)  
 Shrimp stamp, 16 years and older: SB 3877, SSB 3877

**HOOD CANAL BRIDGE**

- Toll phase-out procedure: SB 3457

**HOOKER, CONGRESSMAN RAY**

- Member of Nicaraguan legislature, introduced and addressed senate ..... p. 522

**HOROWITZ, GEDALE**

- Bond specialist, introduced and addressed senate ..... p. 454

**HORSE RACING COMMISSION**

- Lyle E. Smith, member: GA 111, confirmed ..... pp. 843, 1761, 2454  
 Barbara Black, member: GA 110, confirmed ..... pp. 843, 1761, 2421

**HORSES**

- Breeding and marketing program by department of agriculture: \*SHB 731, CH 113 (1985)  
 Breeding and marketing program, department of agriculture to report to legislature: \*SHB 731, CH 113 (1985)  
 Horse racing, breeder award conditions: SB 3342, \*SSB 3342, CH 146 (1985)  
 Horse racing, licensee revisions: SB 3342, \*SSB 3342, CH 146 (1985)  
 Horse racing, paint horse: SB 3342, \*SSB 3342, CH 146 (1985)  
 Simulcast races, provisions: SB 3342, \*SSB 3342, CH 146 (1985)

**HOSPITAL COMMISSION**

- Lynda Zimmerman, GA nomination as member, withdrawn ..... p. 355  
 Steve Hill, member: GA 87, confirmed ..... pp. 357, 1236, 1382  
 Joseph E. Hunt, GA nomination as member, withdrawn ..... p. 355  
   Reappointed member: GA 83, confirmed ..... pp. 356, 964, 1039  
 Judith A. Klayman, GA nomination as member, withdrawn ..... p. 355  
   Reappointed member: GA 84, confirmed ..... pp. 357, 964, 1039  
 Mary Ellen McCaffree, GA nomination as member, withdrawn ..... p. 355  
   Reappointed member: GA 85, confirmed ..... pp. 357, 1236, 1382  
 Jon D. Smiley, GA nomination as member, withdrawn ..... p. 355  
   Reappointed member: GA 86, confirmed ..... pp. 357, 964, 1048

**HOSPITALS (See also HEALTH CARE AND SERVICES)**

- Assessments, annual charge, deposit in basic health plan trust account: SB 3320, SSB 3320  
 Basic health plan trust account, hospital assessments: SB 3320, SSB 3320  
 Blood donors may specify recipients: SB 3531  
 Cancer registry program: SB 3447, SSB 3447  
 Certificate of need, acquisition of major medical equipment: SHB 397, SSB 3789  
 Certificate of need program, capital expenditures, exclude rural hospital swing-bed programs: SB 3478, SSB 3478  
 Certificate of need reviews, existing health care activity, certain included: SB 3789, SSB 3789  
 Certificates of need, life-care retirement centers, exempt: SB 3874  
 Charity care, cost distribution system, establish rules: SB 3566  
 Charity care, payment schedules, establish rules: SB 3566  
 Charity care, penalty assessments or reimbursement: SB 3566  
 Charity care, regional average percentage of hospital budgets: SB 3566  
 Charity care, report to legislature on penalty assessment: SB 3566  
 Confidentiality covers meetings of hospital district about provider status: \*SHB 279, CH 166 (1985), SB 3271, SSB 3271  
 Districts, commissioner compensation may be waived by commissioner: \*SHB 23, CH 330 (1985)  
 Districts, commissioner compensation modified: \*SHB 23, CH 330 (1985)  
 Districts, confidentiality covers meetings about health care provider status: \*SHB 279, CH 166 (1985), SB 3271, SSB 3271  
 Districts, debt limit raised: HB 25  
 Emergency medical care and services, voter approved property levy: SB 3857  
 Health care facilities or practitioners, fee to health professions account at certification time: \*SHB 482, CH 117 (1985)  
 Home health care agencies are not health care facilities for certificate of need purposes: SHB 397, SSB 3789  
 Hospices are not health care agencies for certificate of need purposes: SSB 3789  
 Hospital districts, collective bargaining labor dispute: SB 3567  
 Hospital fair share trust account for charity care: SB 3566

**HOSPITALS—cont.**

- Insurance payment directly to provider of health care services: SHB 836, SB 3916, SSB 3916
- Life-care retirement, certificate of need requirement, exempt: SB 3874
- Long-term care ombudsman, insurance commissioner office: SB 3793
- Mental health records, disclosure to persons in possible danger by patient: SB 3507, SSB 3507
- Natural death act, procedure when no written directive, attorney power: SB 3228, SSB 3228
- Negotiation directly for impatient service payments by HMOs, insurers, etc.: SB 4323
- Nursing assistants, definition modified, nursing care wing facilities: SB 3262, \*SSB 3262, CH 284 (1985)
- Payment directly to provider of health care services: SHB 836, SB 3916, SSB 3916
- Tubal ligation services, must be offered in certain hospitals: SB 4171

**HOSTAGES**

- Telecommunications may be intercepted: \*SHB 36, CH 260 (1985)

**HOTELS**

- Discrimination based on sex prohibited: \*SB 4259, CH 203 (1985)
- Liquor by the bottle may be sold: SB 3336
- Parking and business improvement areas, maintenance and security for common areas: \*SHB 1129, CH 128 (1985)
- Sexual orientation, may not discriminate based on: SB 3548
- Special excise tax, conditions of use: \*SSB 3723, CH 272 (1985)
- Stadium restaurant facilities and special seating, tax proceeds may be used for: \*SSB 3723, CH 272 (1985)
- Tourist information council created, regulate signs on primary and scenic highways: SB 3500

**HOUSING**

- Accessory apartments permitted by municipalities: SB 4000
- Current use valuation of low-income housing: SJR 128
- Electric service connection refused, new houses, noncompliance, model conservation standards: SB 4207, SSB 4207
- Housing authority, bond authority modified: SB 3911
- Housing authority powers, bond proceeds, use limitations: \*SSB 3911, CH 386 (1985)
- Housing authority powers, mortgage authority: \*SSB 3911, CH 386 (1985)
- HUD designed manufactured housing, preempting local option: SB 3611
- Low-income housing, current use assessment: SJR 128
- Low-income housing, multiple-unit buildings, current use assessment: SB 4264
- Model conservation standards, compliance in new houses for electric service connection: SB 4207, SSB 4207
- Model conservation standards, delay implementation: SCR 116
- Moderate income, housing project eligible: SB 3911
- Sexual orientation, may not discriminate based on: SB 3548
- Water heater temperatures, apartments with central systems exempt: \*HB 34, CH 119 (1985), SB 3206

**HOUSING FINANCE COMMISSION**

- |   |         |
|---|---------|
| James L. Kirschbaum, GA nomination as chairman, withdrawn | p. 1248 |
| Reappointed member: GA 165                                | p. 2117 |
| Carol C. Little, GA nomination as member, withdrawn       | p. 1248 |
| Nanci C. Primley, GA nomination as member, withdrawn      | p. 1248 |
| Reappointed member: GA 158                                | p. 2116 |
| Charles R. Richmond, GA nomination as member, withdrawn   | p. 1248 |

**HOUSING FINANCE COMMISSION—cont.**

Anne H. Rose, GA nomination as member, withdrawn	p. 1248
Reappointed member: GA 160	p. 2116
Betty H. Sherman, GA nomination as member, withdrawn	p. 1248
Donald R. Wick, GA nomination as member, withdrawn	p. 1248
Reappointed member: GA 161	p. 2116
Esther B. Huey, member: GA 164	p. 2117
Leo C. Brown, Jr., member: GA 163	p. 2117
David Ballaine, member: GA 159	p. 2116
Delbert L. Long, member: GA 162	p. 2117
William Riley, member: GA 157	p. 2116

**HUEY, CHARLES**

Chairman, human rights commission: GA 103	p. 360
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**HUEY, ESTHER B.**

Member, state housing finance commission: GA 164	p. 2117
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**HUGO, BRUCE**

Representative - Oregon state legislature introduced	p. 418
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**HUMAN INTELLECT**

Human intellect office fund: SB 3421
Office for the enhancement of human intellect created: SB 3421
State council created: SB 3421

**HUMAN RIGHTS COMMISSION**

Charles Huey, appointed as chairman: GA 103	p. 360
Affirmative action plan by banks who hold or invest state funds: SB 3345, SSB 3345	
Affirmative action program by all state agencies and higher education: SB 3345, SSB 3345	
Affirmative action program by all state agencies and higher education: SB 3346, *SSB 3346, CH 365 (1985), SB 4149	
Age discrimination: *SHB 52, CH 185 (1985)	
Contractors and subcontractors to submit affirmative action plan: SB 3345, SSB 3345	
Duties expanded to foster minority/majority relations: *SHB 52, CH 185 (1985)	
Executive director to be appointed by governor: SB 3344	
Governor to appoint executive director: SB 3344	
Investigations and complaints, limitations: *SHB 52, CH 185 (1985)	
Labor unions, unfair practices, list modified: *SHB 52, CH 185 (1985)	
Minority/majority relations, commission is to foster: SHB 52	
Obsolete provisions updated: *SHB 52, CH 185 (1985)	
Service dogs, protection for persons using dogs: *SSB 3598, CH 90 (1985)	
Service stations, refueling services for disabled drivers, complaint process: SB 3027, *SSB 3027, CH 309 (1985)	
Sex discrimination in public places prohibited: *SB 4259, CH 203 (1985)	
Sexual orientation, may not discriminate based on: SB 3548	
Sunset, termination: *SHB 52, CH 185 (1985)	
Unfair practice, petition procedure of commission: *SHB 52, CH 185 (1985)	

**HUNT, JOSEPH E.**

GA nomination as member, hospital commission, withdrawn	p. 355
Reappointed member, hospital commission:	
GA 83, confirmed	pp. 356, 964, 1039

**HYSLOP, THOMAS**

GA nomination as regent, Washington State University, withdrawn	p. 133
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**HYDROTHERAPY**

Recreational water contact facilities, slides, regulated: SB 3498, SSB 3498

**HYPNOTHERAPISTS**

Registration and certification of mental health professionals: SHB 470, SB 3901

**IMMUNITY**

Deadly force: SB 3290, SSB 3290

Mine rescue: \*SB 3400, CH 459 (1985), SB 4208, SSB 4208

Runaways, persons sheltering, notice required: SB 3243, SSB 3243

Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088

Sexual offenses, report of by other than victim required: \*SHB 242, CH 443 (1985), SB 3013

Uniform disciplinary act, complaints, immunity: SHB 131, SB 3260

**INCORPORATION**

Cities, newly incorporated, tax limit authorized initially: SB 3463

**INDIGENTS**

Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740

**INDUSTRIAL INSURANCE APPEALS BOARD**

Frank E. Fennerty, Jr., GA nomination as member, withdrawn ..... p. 355

Reappointed member: GA 82, confirmed ..... pp. 356, 761, 949

**INDUSTRIAL LOAN COMPANIES**

Open-end loan requirements: \*SHB 520, CH 74 (1985), SB 3331, SSB 3331

Rate not to exceed 25% for certain loans: \*SHB 520, CH 74 (1985), SB 3331, SSB 3331

**INITIATIVES**

Community colleges, taxes and bonds for capital purposes: SB 4133

Voluntary review by Attorney General regarding legality: SB 3825

**INSURANCE COMMISSIONER**

Assessments upon insurers for cost of operating commissioner's office: SSB 3657

Cost of operating commissioner's office, insurers assessed: SSB 3657

Fire marshal duties to new state fire protection board: SB 3856, \*SSB 3856, CH 470 (1985)

Health care services, survey, determine basis for insurer payments: SB 3915

Health maintenance organizations, contract disapproval authority of commissioner expanded: \*SHB 1046, CH 283 (1985)

Insurance commissioner's industrial insurance operating fund: SB 4137

Insurance commissioner's insurance and fire marshal regulatory accounts created: SSB 3657

Salary increase: SB 3266

**INSURANCE (See also HEALTH CARE AND SERVICES; LABOR AND INDUSTRIES, DEPARTMENT OF; STATE EMPLOYEES' INSURANCE BOARD)**

Acquisition procedures, domestic insurers, revisions: SB 4138, \*SSB 4138, CH 55 (1985)

Actuarial formulas, for rates, not public as trade secrets: \*SHB 39, CH 264 (1985)

Agent/broker compensation, study insurance industry method of setting: SHB 1172

Annual statement convention blank to be filed with national association: HB 43

Annuities, life insurance, loss of time, subject to insurance commissioner: \*SHB 39, CH 264 (1985)

Automobile abstract fee increased: \*SB 3942, CH 1 E1 (1985)

Automobile, cancellation, or nonrenewal, modifications: SB 3775, SSB 3775

**INSURANCE—cont.**

- Automobile, financial responsibility required, insurance, bond, deposit, or self-insurance: SB 4313, SSB 4313
- Automobile insurance identification cards required: SB 3306
- Automobile insurance or surety bond required: SHB 227, SB 3052, SB 3306, SSB 3306
- Automobile, lower rates if over 55 and take accident prevention course: SB 3458, SSB 3458
- Automobile or proof of financial responsibility required, penalties: SHB 227, SSB 3306
- Automobile, reasonable minimum standards established by commissioner: SHB 41
- Automobile, underinsured, does not need to be in same amount as property damage liability coverage: \*SHB 957, CH 328 (1985)
- Automobile, underinsured, not applicable to excess or umbrella coverage: \*SHB 957, CH 328 (1985)
- Automobile, underinsured, one spouse sufficient to reject coverage: \*SHB 957, CH 328 (1985)
- Cancellation notice requirements modified: \*SHB 39, CH 264 (1985)
- Cancellation or nonrenewal notices, 90 days: SB 3775, SSB 3775
- Casualty and property insurers, report loss and expense experiences: SB 3897, \*SSB 3897, CH 238 (1985)
- Casualty, reasonable minimum standards established by commissioner: SHB 41
- Child coverage, continues for mental handicap past age of majority: SB 3541, SSB 3541
- Child coverage, continues past age of majority developmental disability: \*SHB 39, CH 264 (1985)
- Child support, health care coverage, duties revised: \*SHB 746, CH 108 (1985)
- Commercial insurance, defined specifically: \*SHB 39, CH 264 (1985)
- Continuing care contracts regulated: SB 3156
- Continuing education requirements, 65 years or older exempt: SB 4274
- Controlled business provision removed: \*SHB 39, CH 264 (1985)
- Cost containment program, health care, establish within OFM: SSB 4242
- Cost control of health care services: SB 4242, SSB 4242
- Developmental disability defined for insurance purposes: \*SHB 39, CH 264 (1985)
- Discrimination based on sex or marital status prohibited: SB 3903
- Domestic insurers, acquisition procedures, hearings: SB 4138, \*SSB 4138, CH 55 (1985)
- Domestic insurers, acquisition procedures revised: SB 4138, \*SSB 4138, CH 55 (1985)
- Domestic reciprocal insurer, surplus requirements modified: \*SHB 39, CH 264 (1985)
- Driving record, certified abstract, fee increased: SSB 3927
- DWI offenders, community service, city or town may purchase liability insurance: SB 3417
- Group health insurance, eligibility lapses, continuation procedure: SB 3355
- Group health plan coverage, acupuncture: SB 3606
- Group life, association may be a scholarship endowment fund beneficiary: SB 3249, SSB 3249
- Group life, limits on amount on life of spouse: SB 3249, SSB 3249
- Group life, national guard policies, level rate for all members: SB 3249, SSB 3249
- Health care assistance plans, requiring freedom of choice: SB 3912
- Health care contracts, required provisions, misstatements, incontestable: SSB 3541
- Health care cost containment program, establish within OFM: SSB 4242
- Health care coverage, child support, duties revised: \*SHB 746, CH 108 (1985)
- Health care, enrollment period, certain persons eligible for medical assistance: \*SHB 500, CH 5 (1985), SB 3573

**INSURANCE—cont.**

- Health care payments directly to provider: SHB 836, SB 3916, SSB 3916
- Health care services cost control: SB 4242, SSB 4242
- Health care services, survey, determine basis for insurer payments: SB 3915
- Health preferred provider arrangements authorized: SB 4323
- Health, retired and disabled public employees, participation continued: SHB 61
- Holding companies, exchange or acquisition, approval by commission within 60 days: SHB 1013
- Holding company acquisitions, domestic insurers: SB 4138, \*SSB 4138, CH 55 (1985)
- Holding company acquisitions, hearings: SB 4138, \*SSB 4138, CH 55 (1985)
- Holding corporations, domestic, meetings, director removal, amendments, modified: \*SB 3427, CH 364 (1985)
- Home health agency coverage for nursing home services: SB 3231, SB 3293
- Insolvent insurers, provisions: SB 3520, SSB 3520
- Life insurance policy settlements, interest rates modified: SB 3822, SSB 3822
- Life, variable contract requirements revised: SB 3823
- Local government entities, joint, self-insurance expanded: SB 3332
- Long-term care ombudsman, insurance commissioner office: SB 3793
- Malpractice insurance, reporting of loss and expense records required: \*SB 3897, CH 238 (1985)
- Mastectomy, lumpectomy, may not refuse insurance based on: \*SSB 3989, CH 54 (1985)
- Medical aid fund, industrial coverage, DRG basic: SB 3354, \*SSB 3354, CH 368 (1985)
- Motorcycle, cancellation or nonrenewal, modifications: SSB 3775
- National association of insurance commissioners, insurers to file with: HB 43
- National guard, group life, level rate for all members: SB 3249, SSB 3249
- Nonrenewal notices, 90 days: SB 3775, SSB 3775
- Notice, 90 days for cancellation or nonrenewal: SB 3775, SSB 3775
- Nursing home, home-delivered services, coverage: SB 3231, SB 3293
- Payment directly to provider of health care services: SHB 836, SB 3916, SSB 3916
- Port districts, health and accident coverage clarified: \*HB 213, CH 81 (1985)
- Premiums, assessment upon for share of operating commissioners office: SSB 3657
- Property and casualty insurers, report loss and expense experiences: SB 3897, \*SSB 3897, CH 238 (1985)
- Property, reasonable minimum standards established by commissioner: SHB 41
- Reconstructive breast surgery provisions: \*SSB 3989, CH 54 (1985)
- Renewal, conditions modified: \*SHB 39, CH 264 (1985)
- Reports on losses and expenses by casualty and property insurers: SB 3897, \*SSB 3897, CH 238 (1985)
- Risk management office, authority modified: \*SB 3569, CH 188 (1985)
- School employees, certified and classified, health coverage by public employees' insurance board: SB 3833
- Schools and educational service districts, self-funding of time and health benefits: \*SHB 84, CH 277 (1985)
- Self-insurance by joint governmental entities expanded: SB 3332
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- Sexual orientation, may not discriminate based on: SB 3548
- Study insurance industry methods or setting agent/broker compensation: SHB 1172
- Teachers, pension increases may be taken as medical insurance coverage: SB 4273
- Trade secrets, actuarial formulas, for rates: \*SHB 39, CH 264 (1985)
- Underinsured motor vehicle coverage, not applicable to excess or umbrella policies: \*SHB 957, CH 328 (1985)
- Underinsured motorist vehicle coverage does not need to be same amount as property damage liability coverage: \*SHB 957, CH 328 (1985)

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- Underinsured motorist vehicle coverage, one spouse sufficient to reject coverage: \*SHB 957, CH 328 (1985)
- Unfair competition, prevent by not releasing certain rate information: \*SHB 39, CH 264 (1985)
- Variable life insurance contract requirements revised: SB 3823

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- Marilyn Bozich, GA nomination as member, withdrawn . . . . . p. 1247
- Jeanne Marsden, member: GA 131 . . . . . p. 1252
- Joe C. Jones, member: GA 132 . . . . . p. 1253
- Members, designees of members may sit on committee: \*HB 92, CH 77 (1985)
- Urban area parks, funding modification: SB 3324
- Zoos and aquarium financing, general obligation bonds: SB 3485, SSB 3485

**INTEREST RATES**

- Adjustable variable interest rates authorized: \*SB 3415, CH 224 (1985)
- Finance companies, interest rates allowed modified: SB 3153

**INVESTMENTS AND SECURITIES**

- Advisory committee membership increased, representation modified: SB 3048, SSB 3048
- African development bank, savings banks allowed to invest not more than 5%: \*SB 3225, CH 301 (1985)
- B & O tax on commercial, agricultural, or investment purpose loans: SB 3383
- Commodity futures trading regulated: SHB 1012
- Community reinvestment act: \*SHB 1169, CH 329 (1985)
- Financial institutions department created: SB 3152, SSB 3152
- Gold and precious metals taxed as an investment transaction, not a sale: \*SSB 4228, CH 471 (1985)
- Industrial insurance trust funds, investment authorized: HJR 12, SJR 107
- International trade and investment information program: SB 4212
- International, trade, tourism, and investment, joint select committee: SCR 115
- Investment advisers record-keeping and disclosure requirements: SB 3050
- Limited offering exemption authorized: SHB 205, SB 3168, SSB 3168
- Market development role for state products and technology: SB 4120
- Offer or sale of securities by state, political subdivisions, etc., liability provisions modified: \*SSB 4114, CH 171 (1985)
- Public lands permanent funds, investment authorized: SJR 111
- Public securities act of 1985: SB 4114
- Registration statements, disclosure requirements modified: SB 3049
- Sales tax deferral for eligible investment projects, economic development target areas: SB 4244
- Sales tax deferral for investment projects, new manufacturing buildings or major improvements: SB 4204
- Sales tax deferral for investment projects that create jobs in distressed areas: \*SHB 1079, CH 232 (1985)
- Securities broker-dealers, B & O tax modified: SB 3528
- Small business, development finance authority is a licensed small business investment authority: SHB 855
- Technology exchange established: \*HB 943, CH 269 (1985)

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- Agricultural irrigation commission, formation authorized: SB 3286
- Plats, completed irrigation water distribution facilities required: \*SHB 1044, CH 160 (1985)
- Public works exemption removed: SB 3264
- Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

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Voting procedures modified, assessable land: SB 3594, \*SSB 3594, CH 66 (1985)

**JACKSON, JOE W.**

Member, board of trustees, Eastern Washington University:

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Institutional impact account, reimbursement criteria modified: SB 3233

Juveniles, may not be confined in adult jails or holding facilities, conditions: SB  
4229, \*SSB 4229, CH 50 (1985)

Special detention facilities, fees on a sliding scale: \*SB 4129, CH 298 (1985)

Special detention facility included in jail definition: SB 4128, SSB 4128

Work release, authorized absences for program-related absences: \*SB 4129, CH  
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Work release, good-time, sentence reduced by 1/3rd: \*SB 4129, CH 298 (1985)

Work-release earnings, collect for court-ordered victim compensation and resti-  
tution: \*SB 4129, CH 298 (1985)**JAMES, CAROL B.**

GA nomination as trustee,

Bellevue community college district 8, withdrawn ..... p. 133

Reappointed member, board of trustees, Bellevue community college district 8:

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Common schools: \*SSB 3516, CH 379 (1985)

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GA nomination as member, clemency and paroles board,

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**JOHNSON, SENATOR STANLEY C.**

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natural resources and transportation committees ..... p. 15

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Appointed interim member, joint committee on administrative rules review and  
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- Minority participation in graduate programs, federal action to increase: \*SJM 111 (1985)
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- Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
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- Orthodox Christians, protect: \*HJM 2 (1985)
- Parents who stay home with children, equal tax consideration: SJM 116
- Purex plant shut down under certain circumstances: \*SJM 109 (1985)
- Salmon treaty, ratify: SJM 101
- Sanctuary movement, federal government asked to legalize and support: SHJM 24
- School system, non-English speaking students, financial assistance: SJM 112
- Small business administration, asking Congress to retain: HJM 12, SJM 113
- South Lake Union Naval Reserve base, transfer ownership: \*SHJM 16 (1985), SJM 117, SSJM 117
- Taxes, equal consideration for parents who stay home with children: SJM 116
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- EFSEC duties transferred to DOE: SB 4441
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**JONES, RONALD S.**

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- GA nomination as member, state gambling commission,  
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**KENNEY, PHYLLIS M.**

- GA nomination as member, prison terms and paroles,  
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**KILMER, MARIETTA**

- Member, board of trustees, Peninsula community  
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**KING COUNTY**

- First avenue south bridge construction, motor vehicle fuel tax: SB 3349  
 Land exchange with DNR, public recreation is condition: SB 3135  
 Stadium restaurant facilities and special seating, tax proceeds may be used for:  
 \*SSB 3723, CH 272 (1985)

**KING, MARTIN LUTHER**

- Honored and paid tribute to: \*SFR 4 (1985)  
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**KINNEY, DR. JILL M.**

- GA nomination as member, juvenile disposition standards board, withdrawn . p.  
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 Reappointed member, juvenile dispositions standards board:  
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**KIRSCHBAUM, JAMES L.**

- GA nomination, chairman Washington  
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- GA nomination as member, hospital commission, withdrawn ..... p. 355  
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Asbestos, workers regulated: SB 4209, *SSB 4209, CH 387 (1985)	
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Deputy directors, increase of one: *SSB 4358, CH 325 (1985)	
Farm labor contractors, agricultural employees, regulated: *SHB 199, CH 280 (1985)	
Fennerty, Frank E., reappointed as a member of the industrial insurance appeals board: SGA 82	
Health care education program by certain agencies: SB 4240	
Industrial insurance administrative fund created: SB 4137	
Industrial insurance appeals board, administrative procedures modified: SB 4190, *SSB 4190, CH 209 (1985)	
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- Industrial insurance fund created: SB 4137
- Industrial insurance fund established, powers and duties: SB 4319
- Industrial insurance, health care cost containment: \*SSB 3354, CH 368 (1985), SSB 3354
- Industrial insurance, injury, disregard exertion: SB 4187
- Industrial insurance, injury redefined, naturally and proximately out of employment: SB 4137
- Industrial insurance, joint select committee established: \*SCR 114 (1985)
- Industrial insurance, jurisdiction, determination of delinquent amounts: SB 4189
- Industrial insurance, law enforcement and fire fighters, disability leave supplements: \*SHB 435, CH 462 (1985)
- Industrial insurance, law enforcement and fire fighters, disability, salary percentage: SB 3623
- Industrial insurance, law enforcement and fire fighters, salary continuation disability allowance: SB 3504
- Industrial insurance, medical or surgical services review by employer, procedure: \*SHB 1082, CH 337 (1985)
- Industrial insurance, one-stop master license program expanded: SB 3410
- Industrial insurance, preventative care authorized: SB 4188
- Industrial insurance, state fund delay, additional amount to claimant: SB 4194
- Industrial insurance, tax assessment actions, default, etc., appellate jurisdiction: \*SSB 4189, CH 315 (1985)
- Industrial insurance, temporary total disability, does not apply to certain LEOFF persons: SB 3504
- Industrial insurance trust funds, investment authorized: HJR 12, SJR 107
- Industrial insurance, 3 month penalty-free, employers who haven't paid premiums: SB 4294, \*SSB 4294, CH 227 (1985)
- Industrial insurance, 3 way authorized: SB 4137, SB 4319
- Injuries on the jobsite, limitation of action, 18 months: SB 4275
- Injury defined, ignore exertion level: SB 4188
- Institutional industries, industrial insurance for community service programs, reimbursement: SSB 3971
- Insurance commissioner's industrial insurance operating fund: SB 4137
- Investigation procedure for prevailing wages on public works: \*SHB 16, CH 15 (1985)
- Job placement services relating to vocational rehabilitation, coordinate with employment security department: \*SHB 1084, CH 339 (1985)
- Mediation of industrial insurance disputes: SB 4137
- Medical aid fund, industrial coverage, DRG basis: SB 3354, \*SSB 3354, CH 368 (1985)
- Medical aid fund premium, report to legislature on experience and retrospective voting: \*SHB 1082, CH 337 (1985)
- Medical aid fund transferred to industrial insurance fund: SB 4137
- Medical exam to resolve medical issue, worker paid for time lost: SB 4137
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- Notice to employer when worker is entitled to time-loss compensation: \*SHB 1085, CH 338 (1985), SB 4299
- Occupational disease liability, employer who last exposed employee: SB 4191
- Occupational disease, retirement in instances of total disability: SB 3193
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- Self-insurers, authorized groups: SB 4187
- Self-insurers, benefits paid must be of equal value to state fund payments: SB 4187
- Self-insurers must supplement existing financial ability, escrow deposit: SB 4265
- Statute of limitations, injuries on the jobsite, 18 months: SB 4275
- Telephone, interception of employee communications, unlawful unless conditions met: SB 4109, SSB 4109
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- Trade secret claims, worker-right-to-know, modifications: \*SHB 1170, CH 409 (1985)
- Vocational rehabilitation counselors, review effectiveness: SB 3836
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- Collective bargaining, higher education, authorized: SHB 32, SB 3834
- Collective bargaining, hospital districts, disputes: SB 3567
- Collective bargaining, law enforcement employees are uniformed personnel: SB 3375
- Collective bargaining, life support technicians covered by uniformed personnel procedures: \*SHB 48, CH 150 (1985)
- Collective bargaining, redefined for public employees: SB 3552
- Collective bargaining, state patrol: SB 3126, SSB 3126
- Collective bargaining, successor employers, recognize existing agreements: SB 4330
- Correctional officers covered by uniformed personnel collective bargaining procedures: SB 3526, SSB 3526
- Educational employees collective bargaining, joint labor-management council: SB 3620
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- Accessory apartments permitted: SB 4000  
 Building permits to contain county assessor parcel number: \*SB 3202, CH 318 (1985)  
 Businesses, siting of, facilitate: \*HB 830, CH 85 (1985), SB 3412

**LAND USE PLANNING—cont.**

- Comprehensive land use planning provisions adopted: SB 3492
- Comprehensive plan, environmental coordination procedures act revised: SB 3351
- Comprehensive plans to address discharge of pollutants into Puget Sound: \*SHB 839, CH 126 (1985)
- Eagle buffer zone, farming exempt: SB 3237
- Hazardous waste treatment and storage facilities zones: SSB 4030
- HUD designed manufactured housing, preempting local option: SB 3611
- Mental health facilities, publicly operated, zoning exempt: SB 3810
- Nisqually river system, management program required: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- Permit applications, identify adverse impacts, mitigate: SB 3419
- Permits etc., failure of certain agencies to act is approval: SB 3351
- Plat approval, delegate approval to planning agency: SB 3419
- Plat approval without a public hearing, conditions: SB 3419, SSB 3419
- Plats must meet DNR engineering service division standards: \*SHB 602, CH 99 (1985)
- PUDs may not engage in planning and zoning: SB 3536, \*SSB 3536, CH 95 (1985)
- Puget Sound, comprehensive plan to address discharge of pollutants: \*SHB 839, CH 126 (1985)
- Resource lands, commission on created: SB 3492
- Short subdivisions, counties may increase number of lots: SB 3588
- Zoning, mental health facilities, publicly operated, exempt: SB 3810
- Zoning, rezones, environmental coordination procedures act revised: SB 3351

**LANDLORD AND TENANT**

- Consumer protection act applies: SB 4159
- Public assistance of tenant may be assigned to landlord for rent: SB 3158
- Rent, landlords may receive tenants public assistance: SB 3158
- Rental deposit as security for utility bills: HB 753
- Utility bills, rental deposit as security: HB 753

**LANDSCAPE ARCHITECTS**

- Board membership modified: \*SHB 850, CH 18 (1985), SB 3917
- Examination, passing score: \*SHB 850, CH 18 (1985)
- Registration, renewal every 3 versus 1 year: \*SHB 850, CH 18 (1985), SB 3917
- Regulation modified: \*SHB 850, CH 18 (1985), SB 3917

**LARNER, FRANK A.**

- Member, board of trustees, Grays Harbor community college district 2: GA 25, confirmed . . . . . pp. 142, 1764, 2081

**LAW ENFORCEMENT (See also DOMESTIC VIOLENCE; STATE PATROL)**

- Abuse of children and adult dependents, reporting duties: SHB 932, SB 3238, SSB 3238, 2SSB 3238
- Autopsies, post mortem reports, family members may view: SB 3210
- Autopsies, post mortem reports, family members or personal representative may view report: SHB 44, SB 3220, \*SSB 3220, CH 300 (1985)
- Autopsy reports, family viewing, not when suspicious circumstances, release prejudicial: SHB 44
- Barricade situations, telecommunications may be intercepted: \*SHB 36, CH 260 (1985)
- Boat operation, negligent, alcohol, drugs, arrest authority: \*SHB 214, CH 267 (1985)
- Chaplin training program: SB 3302
- Chaplains, law enforcement agencies may utilize volunteer chaplains: \*SSB 3302, CH 223 (1985)

**LAW ENFORCEMENT—cont.**

- Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165
- Civil service, AA counties exempt: \*SHB 203, CH 429 (1985)
- Collective bargaining, life support technicians covered by uniformed personnel procedures: \*SHB 48, CH 150 (1985)
- Concealed weapon permit, fee, distribution of fund, part to game fund, part to issuer: SB 3450, \*SSB 3450, CH 428 (1985)
- Correctional officers are covered by uniformed personnel procedures: SB 3526, SSB 3526
- County, AA exempt from civil service: \*SHB 203, CH 429 (1985)
- Criminally insane, tracking system for those on conditional release: SB 3197
- Deadly force, dangerous felony defined: SB 3290, SSB 3290
- Deadly force, immunity: SB 3290, SSB 3290
- Disability leave supplement, temporary total disability: \*SHB 435, CH 462 (1985)
- Disability, six-month retirement waiting period, full benefits allowed: SB 4298
- Fingerprints, responsibility to transmit: \*SB 3596, CH 201 (1985)
- Fisheries and wildlife agents empowered to enforce laws: \*SHB 127, CH 155 (1985), SB 3185, SSB 3185
- Hostages, telecommunications may be intercepted: \*SHB 36, CH 260 (1985)
- Incorporation of new cities, essential service provisions by county provided for 60 days: \*SHB 1191, CH 143 (1985)
- Incorporation of new cities, essential service provisions by county via contract: \*SHB 956, CH 332 (1985)
- Industrial insurance, law enforcement and fire fighters, disability, salary percentage: SB 3623
- Institutional impact account, reimbursement criteria modified: SB 3233
- Juvenile placement facilities, unauthorized leave, notify parents and law: SSB 3979, SSB 4059
- Juveniles, custody by law, must inform child and parent of available community services: SSB 3979, SSB 4059
- Juveniles, custody by law, must inform child and parents of rights: SSB 3979, SSB 4059
- Juveniles, custody by law, placement in crisis residential center, notify DSHS within 24 hours: SSB 3979, SSB 4059
- Juveniles, placement in crisis residential centers, inform of rights and services: SSB 3979, SSB 4059
- Life support technicians covered by uniformed personnel collective bargaining procedures: \*SHB 48, CH 150 (1985)
- Limited authority Washington law enforcement agency: \*SB 3273, CH 89 (1985)
- Limited peace officer authority clarified: SB 3272
- Liquor premises, security and officers over 18 allowed: \*SB 3851, CH 323 (1985)
- Medicolegal investigation board established: SB 3805
- Missing children clearinghouse established: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
- Missing children clearinghouse, state patrol to have specific data retrievable: \*SHB 242, CH 443 (1985), SSB 3276
- Missing children clearinghouse, toll-free hotline: \*SHB 242, CH 443 (1985), SSB 3276
- Missing children data to be filed into computer within 12 hours of notice: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
- Missing children information center: SB 3247
- Mutual aid limited police powers act of 1986: SB 3272
- Mutual aid peace officer powers act of 1985: \*SB 3273, CH 89 (1985)
- Optical strobe light devices, use restricted to law and emergency vehicles: \*HB 327, CH 331 (1985)
- Peace officer authority clarified: SB 3272, SB 3273

**LAW ENFORCEMENT—cont.**

- Retirement, contributions not required for months not granted service credit: SSB 3717
- Retirement, disability benefits, disability ceased, procedure, appeal: \*HB 657, CH 103 (1985)
- Retirement, disability benefits, revisions, clarifications: \*SHB 444, CH 102 (1985), SB 3524
- Retirement, disability, incurred in the line of duty, nonduty: \*SHB 444, CH 102 (1985), SB 3524
- Retirement, disability, six-month waiting period, full benefits allowed: SB 4298
- Runaways, persons sheltering, notice required: SB 3243, SSB 3243
- Salary continuation disability allowance: SB 3504
- Scene of an emergency, duties, immunity: \*SHB 242, CH 443 (1985), SB 3088, SSB 3088
- Search and seizure law, adopt federal: SJR 119
- Self-defense, law enforcement inquests, state to reimburse officer if conduct justified: SB 3090, SSB 3090
- Sheriff, minimum job qualifications: SB 3022
- Sick leave exhausted during disability, draw prospectively: \*SHB 435, CH 462 (1985)
- Sportsmen's commission, archery, skeet, target practice, dog training, etc.: SB 3493
- Taproom portion of class A, B, D, H, off limits to minors, law enforcement exception: SB 3532

**LAWRENCE, JACOB**

- Artist, introduced and addressed senate . . . . . p. 344

**LEAP COMMITTEE, INTERIM COMMITTEE**

- Senators Rinehart, Thompson, McDonald and Cantu  
appointed members . . . . . p. 2636

**LEE, SENATOR ELEANOR**

- Appointed member, commerce and labor, natural resources and  
ways and means committees . . . . . p. 15
- Personal privilege, report on economic and revenue  
forecasting council . . . . . p. 601
- Point of order, SSB 3717 . . . . . p. 636
- Parliamentary inquiry, striking amendment to SSB 3827 . . . . . p. 881
- Parliamentary inquiry, order of amendments, ESHB 1077 . . . . . p. 1610
- Appointed interim member, legislative budget committee . . . . . p. 2636
- Personal privilege, Washington state recreation guide  
published . . . . . p. 2700

**LEGAL NOTICES**

- Uniformity in publication: \*SB 3800, CH 469 (1985)

**LEGISLATIVE BUDGET COMMITTEE, INTERIM COMMITTEE**

- Senators Gaspard, McDermott, Talmadge, Wojahn, Barr,  
Hayner, Lee and Zimmerman appointed members . . . . . p. 2636

**LEGISLATIVE TRANSPORTATION COMMITTEE, INTERIM COMMITTEE**

- Senators Bender, Conner, Hansen, Peterson, Granlund,  
Vognild, Guess, Johnson, Patterson, Sellar and  
von Reichbauer appointed members . . . . . p. 2636

**LEGISLATURE (See also CONCURRENT RESOLUTIONS; FLOOR RESOLUTIONS)**

- Achievement test, 10th grade, annual report to legislature: \*2SHB 141, CH 403 (1985), SB 4177, SSB 4177
- Actuarial fiscal notes for retirement legislation: SB 3758

**LEGISLATURE—cont.**

- Admission standards established by CPSE, report to legislature: SHB 170, SB 4186
- Admissions, uniform application fee and form, CPSE to develop and report to legislature: SB 4186
- AIDS, DSHS to report to legislature on blood bank policies: \*SB 3804, CH 321 (1985)
- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Aquaculture disease program, department of fisheries to report to legislature: \*SB 3067, CH 457 (1985)
- Arts commission, biennial report, a full description of activities and funding: SSB 3776
- Arts commission, biennial report, a full description of activities and funding: \*SSB 3776, CH 317 (1985)
- Arts commission to make biennial versus annual report: SB 3776, \*SSB 3776, CH 317 (1985)
- B & O tax, new and more equitable measure, joint committee to propose: SB 4296
- Breeding and marketing program, department of agriculture to report to legislature: \*SHB 731, CH 113 (1985)
- Business license center, comprehensive plan, report to legislature: SB 3413, SSB 3413
- Capital project proposals, submit to review committee by October 20th: SB 4320, SSB 4320
- Centennial partnership commission, report to legislature on activities: SSB 4100
- Charitable solicitations via telephone, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)
- Charity care, report to legislature on penalty assessment: SB 3566
- Check cashing fees, report to legislature: HB 701
- Child abuse convictions, study establishment of a registry and employment screening: SSB 3377
- Child support, joint legislative committee, repealed: \*SB 3852, CH 294 (1985)
- Child support, prosecutors to report to legislature on effectiveness of legislation: SSB 3482
- College tuition and fee installment payment plan, report to legislature: \*SB 3134, CH 356 (1985)
- Creative thought and development coordinator LBC to review: SSB 3421
- Criminal rehabilitation program, community based, report by corrections secretary: SB 4322
- Cut-off dates: \*SCR 105 (1985)
- Day care annual report by DSHS division of children and family services to legislature: 2SSB 3038
- Deaf-blind service center, report by agency on success: SB 3539, SSB 3539
- Deceased legislators, joint session for memorial service: \*HCR 4 (1985)
- Districts 19 and 39, A/B lines removed: SB 3842, SSB 3842
- Districts, 63 house, 21 senate: SB 3080
- DPA, compatibility among state systems: SB 3777
- DPA, responsibility to provide for interchange and sharing of state's computer resources: SSB 3777
- DSHS division of children and family services to report annually to legislature: 2SSB 3038
- Economic development, legislative committee created: \*2SHB 627, CH 467 (1985), SB 4211, SSB 4211
- Economic development, legislative committee, sunset provisions: SSB 4211
- Education, fund basic education, allocation formula per FTE: SB 3232
- Emergency expenditures, joint committee to allocate funds: SJR 101
- Emergency expenditures, legislature may establish agency to control: SJR 101
- Energy and utilities, joint committee abolished: SB 3213

**LEGISLATURE—cont.**

- Environmental health programs transferred from DSHS to DOE, report to legislature: SSB 4308
- Financial institutions watch list to be available: SB 3330
- Fiscal note responsibility to LEAP and LBC: SB 4253
- Funding level, demand, private sector support, SPI to report: \*HB 999, CH 434 (1985)
- Fund-raising activities, incumbents may not do during session: SB 3597
- Game department fees to be adjusted biennially: SB 4231
- Game license dealers, commission to adopt amount of fee to be retained, report to legislature: \*SSB 4231, CH 464 (1985)
- Gasoline dealers, independent, joint select committee to study: SCR 118
- Gubernatorial appointments, if not rejected or confirmed 1 year term: SB 3628
- High school dropout alternative program, SPI report: SB 4321, SSB 4321
- Home health agencies, LBC to study: SHB 397
- Horse breeding and marketing program, report by agriculture department: \*SHB 731, CH 113 (1985)
- House of representatives terms, 4 years: SJR 120
- Hydraulic projects, study committee formed: \*SHB 223, CH 123 (1985)
- IMPACT center to report on success of obtaining nonstate funding: \*SHB 1063, CH 39 (1985), SB 4214, SSB 4214
- Inauguration of Governor-elect Gardner, joint session: \*HCR 1 (1985)
- Industrial insurance, health care cost containment: SB 3354, \*SSB 3354, CH 368 (1985)
- Industrial insurance, joint select committee established: \*SCR 114 (1985)
- In-service training program, SPI to report to legislature: \*2SHB 1065, CH 423 (1985), SSB 4181
- Insurance, study industry method of setting agent/broker compensation: SHB 1172
- Job service program labor exchange, report to legislature: SSB 4196
- Joint rules of the house and senate adopted: \*SCR 107 (1985)
- Juvenile, alternative residential placement process, DSHS to develop plan: SSB 3979
- LBC and judiciary committee to study appellate defense for indigents: SSB 3740
- LBC duties to legislative oversight committee: SHB 785
- LBC, fiscal note responsibility to LEAP and LBC: SB 4253
- LBC, review LEOFF disability leave supplement: \*SHB 435, CH 462 (1985)
- LBC, review of state board of education: SB 3511
- LBC, review venipuncture by naturopaths: SHB 469
- LBC, state board of health, sunset review: \*HB 610, CH 213 (1985)
- LBC to analyze proposed agencies, boards, commissions, cost, etc.: SB 3820
- LBC to provide consultation to OFM regarding personal service contracts: SB 3256
- LBC to review creative thought and development coordinator: SSB 3421
- LBC to study home health agencies: SHB 397
- LBC, unanticipated receipts, budget approval process modified: SB 3017, SSB 3017
- LEAP, fiscal note responsibility to LEAP and LBC: SB 4253
- Legislative oversight committee created, LBC duties transferred: SHB 785
- Legislative systems committee created: SSB 4141
- Lending of credit prohibition modifications, legislature may vote 60%: SJR 104
- LIS transferred to legislative systems committee: SSB 4141
- Long-range financial planning, LEAP to compile a 6 year plan: SB 4205
- Medical aid fund premium, report to legislature on experience and retrospective voting: \*SHB 1082, CH 337 (1985)
- Mental health for juveniles, DSHS to report: SB 3099, \*SSB 3099, CH 354 (1985)
- Misdemeanor offenses, sentencing guidelines commission to recommend ranges and standards: SHB 595

**LEGISLATURE—cont.**

- Missing children program, impact and cost on crisis centers, DSHS and state patrol to report: SB 3276, SSB 3276
- Missing children, report by state patrol on clearinghouse effectiveness: SB 3276, SSB 3276
- Nisqually river system, DOE to report on management program: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- Nonresident students, CPSE to develop admission standards, report to legislature: SB 4186
- Operating budget and capital budget to originate in opposite house: SB 3807
- Park system additions from trust land, DNR and parks and recreation commission, report: \*SHB 958, CH 163 (1985)
- Personnel board, 4 legislative members added: SB 4290
- Preschool program run by DCD, report by governor: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Prison work program, effectiveness, report to legislature: SHB 594
- Public employee benefit formulas, modifications require 60% vote: SB 3562, SJR 110
- Puget Sound, industrial wastewater, pretreatment, review and revise: \*SHB 815, CH 249 (1985)
- Puget Sound institute to report to legislature on progress and future: SHB 506
- Puget Sound water quality authority, state of the Sound report: SB 3828, SSB 3828, \*2SSB 3828, CH 451 (1985)
- Puget Sound water quality enforcement actions, report to legislature: SHB 796
- Rainy day reserve account: SJR 116
- Remedial and bilingual programs, provide cost data on: SB 3619, SSB 3619
- Retirement legislation to have actuarial fiscal notes: SB 3758
- Retirement system benefits, increases must have 2/3rds vote and appropriation: SJR 121
- Rules review committee, notice of objection, removal of: SB 3365
- Salary increase: SB 3080
- Salary surveys, comprehensive, to be completed by September 30th yearly: SB 3180, \*SSB 3180, CH 94 (1985)
- Salmon advisory council to report to legislature on facility funding and capacity: \*SSB 3384, CH 458 (1985)
- School districts, joint operation of small districts, SPI to report: \*SSB 3350, CH 58 (1985)
- School districts less than 25 FTE's, SPI to recommend basic education allocation formula: \*SSB 3235, CH 349 (1985)
- School funding, governor to study and report to legislature: SB 4183
- School week, 4 days for students, 5th day for planning, report: SB 3591
- School-based management, report on by SPI to legislature: \*2SHB 1056, CH 422 (1985)
- Schools, in-service training, funded by legislature average of six days: SB 4178
- Schools, in-service training funds, 3 days of training to 3 individuals: SB 4181
- Science and technology, joint committee extended: SCR 103
- Seat belts, commission on equipment to report on mandatory law: SHB 1182
- Senate terms, six years: SJR 120
- Sine die, committee formed to notify governor: \*HCR 13 (1985)
- Special session, committee formed to notify governor that legislature is ready to begin: \*HCR 14 (1985)
- State agency emergency expenditures, establish agency to control: SJR 101
- State of the state messages: \*HCR 1 (1985)
- Street kids pilot project, DSHS to report: 2SHB 930
- Subsistence and lodging provisions for members modified: \*SB 3065, CH 3 (1985)
- Teacher certification, board of education to study and report on endorsements: 2SHB 587, \*2SHB 849, CH 420 (1985)

**LEGISLATURE—cont.**

- Teacher certification requirements, exams, endorsements, board of education to study report on: 2SHB 587, \*2SHB 849, CH 420 (1985)
- Teacher evaluation report by SPI: \*2SHB 849, CH 420 (1985)
- Teachers, career ladder, examine concept before determining whether to develop: \*SSB 3235, CH 349 (1985)
- Telecommunication revisions, legislature to review intensively in 1989-1991: SB 3305, \*SSB 3305, CH 450 (1985)
- Telecommunications industry, WUTC to report annually: SB 3305, \*SSB 3305, CH 450 (1985)
- Telecommunications regulation, joint committee extended: HCR 7, \*SCR 101 (1985)
- Telephone solicitation, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)
- Vocational rehabilitation activities, OFM to do performance audits: \*SHB 1084, CH 339 (1985)
- Watch list of financial institutions to be available: SB 3330
- Water pollution control activity, DOE to report and receive public comment: \*SB 3812, CH 316 (1985)
- Water pollution control facilities, bonds, progress report to legislature: SB 3827, SSB 3827

**LEWDNESS**

- Moral nuisances, lewd matter, lewdness, prostitution, penalty up to \$25,000: \*SB 3906, CH 235 (1985)

**LI, CHI-DOOH "SKIP"**

- GA nomination as member, clemency and pardons board,  
withdrawn ..... p. 1248

**LIBRARIES**

- Boundary review participation by libraries authorized: SB 3339
- Funding for public libraries, eligibility and allocation criteria: SB 4237
- Law library funds, civil action filing fees, modifications: SSB 3740
- Library districts, annexation of city/town, liabilities of city/town pass to district:  
\*SSB 4386, CH 392 (1985)
- Municipal corporations: SB 4237
- Public library funding, eligibility and allocation: SB 4237
- Western library network computer system revolving fund: \*SSB 3047, CH 21 (1985)
- Western library network enterprise fund: SB 3047, \*SSB 3047, CH 21 (1985)
- Western library network to be formed: SB 3047, \*SSB 3047, CH 21 (1985)

**LICENSING, DEPARTMENT OF (See also BUSINESS LICENSE CENTER;**

- MASTER LICENSE SYSTEM; MOTOR VEHICLES)
- Theresa Anna Aragon, appointed director:  
GA 4, confirmed ..... pp. 56, 304, 367
- Aircraft tax overpayment refund, revisions: \*SHB 1003, CH 414 (1985)
- Amusement rides regulated: SB 3495
- Board members, temporary appointment for examination purposes: \*SHB 481, CH 116 (1985)
- Boat registration fee modified, excise tax repealed: SB 3157
- Boat registration fees established: SB 3157
- Director, appoint temporary members of boards, examination purposes: \*SHB 481, CH 116 (1985)
- Examinations, temporary board members may be appointed: \*SHB 481, CH 116 (1985)
- Financial institutions department created: SB 3152, SSB 3152
- New businesses in distressed areas, licenses, etc., expedite: SB 4154

**LIE DETECTORS**

Directly or indirectly to require an employee, unlawful: \*SB 4302, CH 426 (1985)

**LIEUTENANT GOVERNOR**

Salary increase: SB 3266, SSB 3266

**LIQUOR CONTROL BOARD (See also ALCOHOL; DRUNK DRIVING)**

Beer and wine advertising, health warnings required: SB 4300

Beer and wine advertising on TV and radio prohibited: SB 4276

Beer retailers, who they may purchase from: SB 3533

Breweries, considered as holding various licenses for tours etc.: \*SB 4127, CH 226 (1985)

Businesses, financial interest redefined for sellers and wholesalers: \*SB 3325, CH 363 (1985)

Class A, B, D, H, taproom portion off limits to minors, exceptions: SB 3532

Class B or H, commercial stimulant rules, gambling is incidental: SB 3066

Class E, F, minor employees may stock: SB 3522

Class H license, liquor by the bottle: SB 3336

Class H licenses, authorized to offer entertainment to patrons: SB 3605

Class I license, issue to certain class H holders, fee: \*SB 3326, CH 306 (1985)

Commercial stimulant, class B or H licenses, gambling is incidental: SB 3066

Commissioner terms reduced to 6 years: SB 3391

Consolidating the gambling commission, lottery commission, liquor control board: SB 4325

Hotels may sell liquor by the bottle: SB 3336

Kegs, tracing by identification tags: SB 3755

Law enforcement, fire fighters, and security over 18 authorized on premises: \*SB 3851, CH 323 (1985)

Liquor revolving fund, disbursement modified: SB 3058

Liquor revolving fund, no disbursement if liquor prohibited if city or county: SB 3058

Malt beverage kegs, tracing by identification tags: SB 3755

Malt beverage purchases by LCB from brewery, no price warranty required: \*SB 4127, CH 226 (1985)

Out-of-state liquor, bring in specified amount for personal use: SB 3533

Promotion on college campus prohibited: \*SB 3230, CH 352 (1985)

Special occasion liquor license, multiple occasion use, modifications: \*SB 3326, CH 306 (1985)

Taproom portion of class A, B, D, H, off limits to minors, exceptions: SB 3532

Terms of members, reduced to 6 years: SB 3391

Toxicological laboratory funding modified: SB 4221

Wholesaler distributors/suppliers equity agreement act, noncompliance, penalties: SB 4263, \*SSB 4263, CH 440 (1985)

Wholesalers, price modification prohibited without LCB approval: \*SB 4127, CH 226 (1985)

Wine purchases by LCB from wineries, no price warranty required: \*SB 4127, CH 226 (1985)

**LITERACY**

Adult literacy program: SB 3517, SSB 3517

State advisory literacy coalition: SB 3517, SSB 3517

**LITTLE, CAROL C.**

GA nomination as member, state housing finance commission,

withdrawn ..... p. 1248

**LIVESTOCK (See also HORSES)**

Brucellosis, director may condemn for slaughter: \*SHB 843, CH 415 (1985)

Bulls running at large, bull/cow ratio modified: SB 3024, SSB 3024

**LIVESTOCK—cont.**

- Bulls, running at large requirements west of mountains: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Cattle assessments, payment at feedlot delivery modified: SB 3043
- Condemned and slaughtered, valuation modified: \*SHB 843, CH 415 (1985)
- Custom farm slaughterer, licensure: \*SHB 843, CH 415 (1985)
- Damages, caused by dogs, recovery limit modified: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Diseases, tests, director may enter premises at any time: \*SHB 843, CH 415 (1985)
- Dogs, injury to animals, recovery limit modified: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Entry at all times by director to make tests: \*SHB 843, CH 415 (1985)
- Estrays, impoundment, proceed deposition, modified: \*SHB 843, CH 419 (1985), SB 3024, SSB 3024
- Fences, lawful fence, described: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Fences, partition, neglect, costs, attorney fees: SB 3024, SSB 3024
- Fences, stock restricted areas, costs shared: SB 3024, SSB 3024
- Fences, wilful damages, misdemeanor: SB 3024, SSB 3024
- Horse racing, breeder award conditions: SB 3342, \*SSB 3342, CH 146 (1985)
- Horse racing, paint horse: SB 3342, \*SHB 3342, CH 146 (1985)
- Meat inspection regulated: \*SHB 843, CH 415 (1985)
- Meat processors, B & O rate phased down: \*SSB 4228, CH 471 (1985)
- Quarantine violations, increased to gross misdemeanor: \*SHB 843, CH 415 (1985)
- Range animals, running at large, requirements modified: \*SHB 843, CH 415 (1985), SB 3024, SSB 3024
- Registry of security interests created: SB 3042
- Security interests in livestock, filing procedure: \*SHB 890, CH 412 (1985)
- Security interests registry created: SB 3042
- Stock restricted area, fence costs shared: SB 3024, SSB 3024
- Tuberculosis, director may condemn for slaughter: \*SHB 843, CH 415 (1985)

**LOANS**

- B & O tax on commercial, agricultural, or investment purpose loans: SB 3383
- B & O tax on out-of-state loans to Washington residents: SB 3840
- Due on sale clause: SHB 936
- Farm banks, amend federal law to assist: SJM 121, SSJM 121
- Industrial loan companies, rate not to exceed 25% for terms over 2 years: \*SHB 520, CH 74 (1985), SB 3331, SSB 3331
- Interest rates allowed by finance companies modified: SB 3153
- Lending of credit prohibition modifications, legislature may vote 60%: SJR 104
- Open-end loan requirements: \*SHB 520, CH 74 (1985), SB 3331, SSB 3331
- Public facilities, grants and loans for economic development: \*SHB 461, CH 446 (1985)

**LOCAL IMPROVEMENT DISTRICTS**

- Advancing money for prospective LIDs, fund authorized: SB 4131
- Assessment rates, alternative ascertainment via classification based on use: \*SHB 379, CH 397 (1985)
- Assessments, if federal or state funds appear, lower uniformly: SB 3430, SSB 3430
- Assessments, interest, penalties, monthly payments and credit cards authorized: SB 3301
- Assessments, revisions, bonds: SB 4131
- Authority revised, parking, cultural, or arts facilities, and transportation: \*SHB 379, CH 397 (1985)
- Authority revised, parking, museum, cultural, or arts facilities: \*SHB 379, CH 397 (1985)
- Bond payment, guaranty fund, special reserve fund, or security: \*SHB 379, CH 397 (1985)

**LOCAL IMPROVEMENT DISTRICTS—cont.**

Bonds, revisions: SB 4131

Bonds, short-term obligations in anticipation of general are not anticipation of taxes: \*SB 3826, CH 71 (1985)

Contracting, authority to contract any or all of project: \*SHB 379, CH 397 (1985)

Credit cards to pay assessments, etc., authorized: SB 3301

Public transportation and cultural or arts facilities authorized: \*SHB 379, CH 397 (1985)

Reserve funds authorized: SB 4131

Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

**LONG, DELBERT**

Member, state housing finance commission: GA 162 ..... p. 2117

**LONGVIEW COWLITZ MONARCHS**

Special olympics basketball team, introduced ..... p. 2181

**LONNQUIST, JUDITH**

Member, state lottery commission:

GA 115, confirmed ..... pp. 706, 2113, 2366

**LOTTERY**

Advertising prohibited: SB 3770

Consolidating the gambling commission, lottery commission, liquor control board: SB 4325

Dramatization of winners via media to be factual: SB 3441

Employees, private benefit due to public employment prohibited: SB 3590, SSB 3590

General fund reliance on lottery, phased reduction: SB 4280

Lottery account created, lottery fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)

Lottery administrative account created, OFM to require allotment of all expenses: SHB 98, \*SSB 3684, CH 375 (1985)

Lottery administrative account created, revolving fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)

Lottery fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)

Lottery fund abolished lottery account created: \*SSB 3684, CH 375 (1985)

Lottery fund, use modified: SB 3441

Lottery revolving fund abolished: SHB 98, \*SSB 3684, CH 375 (1985)

New economic development fund, lottery revenue to: SB 4280

On-line games prohibited: SB 3440

Phased reduction of general fund reliance on lottery revenue: SB 4280

Private benefit due to public employment prohibited: SB 3590, SSB 3590

Revenue apportionment from ticket sales, 50% to general fund, etc.: SB 3441

Unfair or deceptive practices prohibited: SB 3441

**LOTTERY COMMISSION, STATE**

Robert Boyd, GA nomination as director, withdrawn ..... p. 55

Mary G. Faulk, appointed as director:

GA 9, confirmed ..... pp. 57, 2113, 2188

Ralph Danekas, GA nomination as member, withdrawn ..... p. 705

Earl T. Glant, GA nomination as member, withdrawn ..... p. 705

Leonore Lambert, GA nomination as member, withdrawn ..... p. 705

Vanna H. Novak, GA nomination as member, withdrawn ..... p. 705

Lawrence G. Waldt, GA nomination as member, withdrawn ..... p. 705

Andy Reynolds, appointed member:

GA 112, confirmed ..... pp. 706, 1762, 2032

Jim Caley, appointed member:

GA 113, confirmed ..... pp. 706, 2115, 2360

**LOTTERY COMMISSION, STATE—cont.**

Carl Ooka, appointed member:

GA 114, confirmed ..... pp. 706, 1762, 2031

Judith Lonnquist, appointed member:

GA 115, confirmed ..... pp. 706, 2113, 2366

**LOWER COLUMBIA COLLEGE**

Joint center for education, WSU, Clark College, Lower Columbia College, TESC, institutions and duties expanded: \*SHB 1190, CH 408 (1985)

**LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT 13, BOARD OF TRUSTEES**

Stanley R. Nordquist, M. D., GA nomination as member,

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Asa Reed, member:

GA 40, confirmed ..... pp. 145, 1379, 2174, 2502

P. Robert Binns, member:

GA 75, confirmed ..... pp. 306, 1381, 2174, 2504

**LUDERS, ED**

Member, state parks and recreation commission: GA 116 ..... p. 1250

**LYONS, ARLAND**

Member, board of trustees, Centralia community college

district 12: GA 39, confirmed ..... pp. 145, 1379, 2174, 2502

**MAGISTRATES**

Judicial qualifications commission has jurisdiction: SB 3092

**MALENG, JUDITH T.**

GA nomination as trustee, Western Washington University,

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**MALENG, NORM**

GA nomination as member, sentencing guidelines commission,

withdrawn ..... p. 355

Reappointed member, sentencing guidelines commission:

GA 91, confirmed ..... pp. 358, 762, 2460

**MANNING, THOMAS J.**

GA nomination as member, prison terms and paroles board,

withdrawn ..... p. 382

**MANUFACTURERS**

Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875

Tax deferral, sales and use, investment projects of persons currently not in state:  
HB 1326

**MARINAS**

Marina facilities inspection account: SB 4287

Sanitary pumpout facilities at marinas: SB 4287

Sanitary pumpout facilities, marinas, tax credit for installation: SB 4287

**MARITIME TECHNOLOGY**

Higher education, western interstate compact, program authorized: SB 3558, SSB 3558

**MARKET DEVELOPMENT**

Agricultural market research advisory committee to IMPACT center created: SB 4130

Agriculture commodity commissions, expenditures, development, trade promotion, promotional hosting: \*SB 4121, CH 26 (1985)

Aquaculture duties of agriculture department: \*SB 3067, CH 457 (1985)

**MARKET DEVELOPMENT—cont.**

Aquatic farming is agricultural commodity for agriculture department's market development role: \*SHB 1234, CH 159 (1985)

Centennial partnership projects, destination tourism or state marketing facilities: SSB 4100

Forest products market development task force: SB 3907

Horse breeding: \*SHB 731, CH 113 (1985)

IMPACT center, primary function, marketing solutions, international marketing: \*SHB 1063, CH 39 (1985)

Research and development tax rate modified: SB 4309

State's role in market development defined, agriculture distinguished: \*SHB 1234, CH 159 (1985)

State's role in market development for products and technology: SB 4120

**MARKETING COMMISSIONS (See also AGRICULTURE)**

Commodity-related education, training, and leadership, funds authorized: SB 3020

Provisions revised, notice within the affected area: SHB 546, SB 3592

**MARRIAGE**

License documents, maintain like real property instruments: \*SB 3070, CH 44 (1985)

License procedure, may issue immediately but can't use for 3 days: \*HB 142, CH 82 (1985)

License procedure modified: \*HB 142, CH 82 (1985), SB 3425

**MARSDEN, JEANNE**

Member, interagency committee for outdoor recreation:

GA 131 ..... p. 1252

**MARTINEZ, SIMON**

Member, oil and gas conservation committee: GA 143 ..... p. 1254

**MARTY, JAYME**

Daffodil queen and court, introduced and addressed senate ..... p. 454

**MASSAGE OPERATORS**

Uniform disciplinary act modified: SHB 131, SB 3260

**MASSART, JAMES E.**

GA nomination as trustee for Shoreline community college

district 7, withdrawn ..... p. 133

Reappointed member, board of trustees, Shoreline community

college district 7: GA 33, confirmed ..... pp. 143, 1766, 2083

**MASTEN, GEORGE D.**

Member, state investment board: GA 100 ..... p. 359

**MASTER LICENSE SYSTEM**

Comprehensive plan to be developed, study coordination, funding: SB 3413, SSB 3413

One-stop master license program expanded: SB 3410

Study to increase number of licenses within system: SB 3413, SSB 3413

**MAYO, RONALD D.**

GA nomination as member, WPPSS executive board, withdrawn ..... p. 1248

Reappointed member, WPPSS executive board: GA 138 ..... p. 1254

**McCAFFREE, MARY ELLEN**

GA nomination as member, hospital commission, withdrawn ..... p. 355

Reappointed member, hospital commission:

GA 85, confirmed ..... pp. 357, 1236, 1382

**McCASLIN, SENATOR BOB**

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Second nomination of Ole Scarpelli, sergeant at arms	p. 7
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**McCLURE, DONALD W.**

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**McCORMMACH, JANE**

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**McDONALD, SENATOR DAN**

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**McDONALD, SENATOR DAN—cont.**

- Point of order, scope and object, E2SHB 348 ..... p. 1565
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- Parliamentary inquiry, order of business, ESHB 1077 ..... p. 2089
- Parliamentary inquiry, which conference report, SSB 3384 ..... p. 2458
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- Parliamentary inquiry, votes needed to pass, 3SSB 3827 ..... p. 2696

**McEACHRAN, DAVID S.**

- GA nomination as member, corrections standards board,  
withdrawn ..... p. 1248
- Reappointed member, corrections standards board: GA 136 ..... p. 1253

**McMANUS, SENATOR MIKE**

- Appointed member, energy and utilities, governmental  
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- Appointed interim member, energy and utilities committee ..... p. 2636

**McMILLAN, DEE**

- GA nomination as trustee, Spokane community college  
district 17, withdrawn ..... p. 134
- Reappointed member, board of trustees, Spokane community  
college district 17: GA 47, confirmed ..... pp. 146, 1766, 2084

**McWILLIAMS, EDWIN J.**

- Reappointed member, board of regents, University of Washington:  
GA 15, confirmed ..... pp. 140, 2113, 2188

**MEAT PROCESSORS**

- B & O rate phased down: \*SSB 4228, CH 471 (1985)

**MEDAL OF MERIT**

- State medal created: HB 244

**MEDICAL ASSISTANCE**

- Cost reimbursement for nursing homes serving developmentally disabled: SB  
4124
- Cost reimbursement procedure for pharmacy services: SB 4135
- Deductible modified: \*SHB 500, CH 5 (1985), SB 3573
- Dental services availability dependent on specific appropriation: \*SHB 500, CH 5  
(1985)
- Dental services not available: SB 3573
- Drugs, copayment by recipients of legend drugs: SB 3424
- Eligibility, includes certain persons with a health plan during their enrollment  
period: \*SHB 500, CH 5 (1985), SB 3573
- Eligibility is not invalidated if transfer home to children: SB 3385
- Foot care, routine, availability dependent on specific appropriation: \*SHB 500,  
CH 5 (1985)
- Foot care, routine, not available: SB 3573
- Limited casualty program services expanded: \*SHB 500, CH 5 (1985), SB 3573

**MEDICAL ASSISTANCE—cont.**

- Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)
- Nursing homes serving developmentally disabled, cost reimbursement: SB 4124
- Pharmacy services, cost reimbursement procedure: SB 4135
- Pregnant women, eligibility modified to conform to federal standards: \*SHB 500, CH 5 (1985)
- Reimbursement by recipients of department costs: \*2SHB 356, CH 245 (1985), SB 3508

**MEDICAL DISCIPLINARY BOARD**

- Uniform disciplinary act modified: SHB 131, SB 3260

**MEDICAL EXAMINERS**

- County coroner duties transferred to medical examiner: SB 3805
- Medical examiner regions established: SB 3805
- Medicolegal investigation board established: SB 3805
- Powers and duties modified: SB 3805
- Uniform disciplinary act modified: SHB 131, SB 3260

**MEDICOLEGAL INVESTIGATION BOARD**

- Established, autopsies, etc.: SB 3805

**MEDICS**

- Collective bargaining, life support technicians covered by uniformed personnel procedures: \*SHB 48, CH 150 (1985)

**MENA, PAUL C.**

- Member, prison terms and paroles board:  
GA 107, confirmed ..... pp. 382, 960, 1149

**MENDEZ, ANITA M.**

- GA nomination as member, clemency and pardons board,  
withdrawn ..... p. 1248

**MENJU, TOSHIHIRO**

- Japanese student at TESC introduced, addressed senate ..... p. 1090

**MENTAL HEALTH**

- Advocacy, state-wide protection and advocacy agency established: SHB 820
- Alcohol or drug induced impairment, judicial commitment: SB 3876
- Civil commitment procedures: SB 3197
- Commitment, judicial, alcohol or drug induced impairment: SB 3876
- County community mental health programs, residential and inpatient services: SB 4271, SB 4341
- Criminally insane, tracking system for those on conditional release: SB 3197
- Harassment patients, records release to law and harasser: SB 4105, \*SSB 4105, CH 207 (1985)
- Insanity pleas, modifications: SB 3197
- Insurance coverage, children, continues past age of majority: SB 3541, SSB 3541
- Juvenile court jurisdiction over involuntary civil commitment removed: \*SSB 3099, CH 354 (1985)
- Juvenile sexual offenders who were victims, pilot program: SB 3499
- Juveniles, appropriate care and treatment provided for: SB 3099, \*SSB 3099, CH 354 (1985)
- Juveniles, financial responsibility for DSHS services: SB 3099, \*SSB 3099, CH 354 (1985)
- Juveniles, involuntary treatment and commitment procedure: SB 3099, \*SSB 3099, CH 354 (1985)
- Juveniles, parental authorization for treatment if under 13: SB 3099, \*SSB 3099, CH 354 (1985)

**MENTAL HEALTH—cont.**

- Juveniles, records are confidential: SB 3099, \*SSB 3099, CH 354 (1985)
- Juveniles, treatment procedures provided for: SB 3099, \*SSB 3099, CH 354 (1985)
- Northern State Hospital, reuse by Skagit county, study: \*SSB 3951, CH 241 (1985)
- Records disclosure, persons in possible danger by patient: SB 3507, SSB 3507
- Regional mental health residential care systems: SB 3295, SSB 3295
- Registration and certification of mental health professionals: SHB 470, SB 3901
- Reimbursement of DSHS costs by recipients: \*2SHB 356, CH 245 (1985), SB 3508
- Zoning, publicly operated facilities exempt: SB 3810

**MENTAL SPORTS COMPETITION AND RESEARCH COMMISSION**

Established: SB 3405

**METCALF, SENATOR JACK**

- Oath of office ..... p. 3
- Appointed member judiciary, natural resources, rules  
and transportation committees ..... p. 15
- Motion to suspend rules, SJM 103 ..... p. 469
- Parliamentary inquiry, SSB 3877 ..... p. 685
- Parliamentary inquiry, amendment to SSB 3384 ..... p. 925
- Personal privilege, Collins school ..... p. 945
- Point of order, HJR 22 ..... p. 1169
- Parliamentary inquiry, question on conference committee  
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- Parliamentary inquiry, position of bill, ESHB 32 ..... p. 2569

**MENTOR TEACHERS**

Beginning teachers assistance program \*2SHB 174, CH 399 (1985)

**METAL DETECTORS**

Permits for use on state beaches may be issued: SB 4286

**METROPOLITAN**

Connection charges may be collected by a metropolitan municipal corporation:  
SB 4168

**METROPOLITAN COUNCILS**

Compensation of member may be waived by member: \*SHB 23, CH 330 (1985)  
Member compensation modified: \*SHB 23, CH 330 (1985)

**METZ, ELIZABETH**

- GA nomination as trustee, Highline community college  
district 9, withdrawn ..... p. 133
- Reappointed member, board of trustees, Highline community  
college district 9: GA 36, confirmed ..... pp. 144, 1766, 2083

**MICHENER, CHARLES**

Member, board of trustees, Columbia Basin community college  
district 19: GA 79, confirmed ..... pp. 306, 1769, 2086

**MIDWIFERY**

Uniform disciplinary act modified: SHB 131, SB 3260

**MILITARY (See also VETERANS' AFFAIRS)**

- Armories, state-owned, use by veterans and civic groups, cleaning deposit: SB  
3882, \*SSB 3882, CH 295 (1985)
- College tuition and fee exemption for military and dependents: \*SB 3357, CH 362  
(1985)
- Community property settlements, modifications authorized: SB 3211
- Foley amendment to armed forces in El Salvador and Nicaragua: SJM 123
- Historic installation, tax exempt: SB 3878
- Indigent soldiers' relief fund, amount available increased: SB 3005

**MILITARY—cont.**

- Indigent soldiers' relief fund renamed veterans' assistance fund, threshold modified: SSB 3005
- National guard, educational assistance program continued: SB 3570
- National guard, group life, level rate for all members: SB 3249, SSB 3249
- Nicaraguan rebels, prohibit aid to: SJM 115
- Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
- Nuclear weapons, negotiate a verifiable test ban treaty and stop testing: SJM 120
- South Lake Union Naval Reserve base, transfer ownership: \*SHJM 16 (1985), SJM 117, SSJM 117
- State judge advocate, exclusive remedies established: SB 3880
- Teachers may receive pension payments while teaching, department of defense schools: HB 351
- Torts and crimes by state militia on federal duty, liability limited: SB 3881

**MILITARY DEPARTMENT**

- Major General George Coates, reappointed adjutant general:  
GA 64 ..... p. 121

**MILWAUKEE ROAD**

- Transfer Ellensburg Rodeo to Royal City section to parks and recreation commission: SB 3530

**MINOR, JAMES E.**

- Member, Washington high-technology coordinating board:  
GA 127, confirmed ..... pp. 1251, 2113, 2454

**MINERALS**

- Adverse possession, severed subsurface, actual, open, and notorious possession: SB 3831
- Excise tax on severance: SB 3128
- Leases, coal, royalty per ton: \*SB 3400, CH 459 (1985)
- Mt. St. Helens, sale or transfer of dredge free of DNR interest allowed: SB 3131, \*SSB 3131, CH 12 (1985)
- Rescue, state mine rescue plan, civil immunity: \*SB 3400, CH 459 (1985), SB 4208, SSB 4208

**MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF**

- Annual report, critical input section: SB 4304
- Certification processing by the office with 1 month of application: SB 4304
- Fraud in the MWBE program prohibited: SB 4260
- Impacted small business defined: SB 4304
- Terminating: SB 3299
- Three-year limit on certification: SB 4304
- Women-owned and controlled businesses: SB 4304

**MOBILE HOMES**

- Assessment, necessary information: \*HB 718, CH 395 (1985)
- Consumer protection act applies: SB 4159
- Dealer inventory, exempt from property taxation: \*HB 718, CH 395 (1985)
- Leased land, mobile home tax modified: \*HB 718, CH 395 (1985)
- Movement, special movement permit: SB 3068, \*SSB 3068, CH 22 (1985)
- Repossession, provisions to require removal from mobile home park revised: \*SHB 188, CH 78 (1985)
- Sales tax on successive transfer of used, eliminated: SB 4249
- Special moving permits not valid until delinquent taxes paid: \*HB 718, CH 395 (1985)
- Tax payment by lien or mortgage holder: \*HB 718, CH 395 (1985)
- Taxes are a lien: \*HB 718, CH 395 (1985)
- Used, eliminated sales tax on successive transfers: SB 4249

**MODEL CONSERVATION STANDARDS**

Electric service connection to new houses refused if not in compliance: SB 4207, SSB 4207

**MODEL TRAFFIC ORDINANCE**

Updated: \*SB 3144, CH 19 (1985)

**MOLDSTAD, W. KELLY**

GA nomination as trustee for Skagit Valley community  
college district 4, withdrawn ..... p. 133  
Reappointed member, board of directors, Skagit Valley community  
college district 4: GA 27, confirmed ..... pp. 142, 1765, 2081

**MOORE, SENATOR RAY**

Appointed member financial institutions, commerce and labor,  
judiciary and ways and means committees ..... p. 15  
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**MORGAN, HARRY E.**

Member, higher education facilities authority:  
GA 97, confirmed ..... pp. 359, 1769, 2462

**MOTELS**

Discrimination based on sex prohibited: \*SB 4259, CH 203 (1985)  
Highway information panels, motels, allowed class revised: \*SHB 133, CH 142  
(1985), SB 3130  
Sexual orientation, may not discriminate based on: SB 3548  
Special excise tax, conditions of use: \*SSB 3723, CH 272 (1985)  
Stadium restaurant facilities and special seating, tax proceeds may be used for:  
\*SSB 3723, CH 272 (1985)  
Tourist information council created, regulate signs on primary and scenic high-  
ways: SB 3500

**MOTOR VEHICLES (See also DRUNK DRIVING)**

Abandoned vehicles, regulating removal and disposal of: SB 3553, \*SSB 3553, CH  
377 (1985)  
Abstract of driving record, certified, fee increased: SSB 3927  
Accident prevention course and over 55, lower insurance rates: SB 3458, SSB 3458  
Accident reports, only if at fault, \$500 threshold: SHB 1037  
Agricultural driving permit, photo required, fee modified: SSB 3927  
Assistance vans may stop on limited access highway: \*HB 271, CH 149 (1985)  
Automotive policy board obsolete references removed: SB 3030  
Certificates of ownership, odometer reading carried forward to: SB 3891  
Child safety seats for under 2 years: SB 4312  
City taxation of motor vehicle and special fuels modified: SB 3535  
Commercial vehicle, definition revised: \*SB 3401, CH 173 (1985)  
Commercial vehicles, licensing reciprocity revised: \*SB 3401, CH 173 (1985)  
Confidential license plates, legislative auditor to receive list: SB 3030  
Criminal justice assistance account, target offenses: SB 3764, SSB 3764, 2SSB 3764  
Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764  
Dealers or manufacturers, staggered licensing: \*HB 399, CH 109 (1985)  
Disabled drivers, refueling services, complaint process: SB 3027, \*SSB 3027, CH  
309 (1985)  
Disabled drivers, refueling services required at service stations: SB 3027, \*SSB  
3027, CH 309 (1985)  
Driver's license confiscated if driving without financial responsibility: 2SHB 879  
Driver's license fee increased: SSB 3927  
Driver's license, if invalid plates won't be issued: 2SHB 879  
Driver's license, if invalid registration won't be issued: 2SHB 879  
Drivers' license records, access restricted: SB 3790, SSB 3790

**MOTOR VEHICLES—cont.**

- Driver's license, reinstatement fee required for financial responsibility suspension: \*HB 158, CH 211 (1985)
- Driver's license, resuspend or rerevoke if financial responsibility lapses: \*HB 156, CH 157 (1985)
- Driver's license, suspension, end of period, department need not automatically return: \*SB 3267, CH 302 (1985), SSB 3267
- Drivers license suspension or revocation extension period, exceptions added: \*SB 3267, CH 302 (1985)
- Driver's license, valid license is a condition for vehicle license: \*SHB 1107, CH 424 (1985)
- Drivers' licenses, confiscated, return if deferred prosecution: HB 10
- Drivers' licenses not issued to alcoholics, drug addicts/abusers: \*SHB 163, CH 101 (1985), SB 3223
- Drivers' licenses, occupational, no previous conviction within 5 years: SB 3268
- Drivers' permit, juvenile agricultural, to have photograph: \*SB 3942, CH 1 E1 (1985)
- Drivers to have insurance, bond, deposit, or self-insurance: SB 4313, SSB 4313
- Driving instruction permits to have photo, fee modified: SSB 3927
- Driving permit, juveniles, agricultural, photo required, fee modified: SSB 3927
- Driving record, certified abstract, fee increased: SSB 3927
- Driving without a valid license, penalties revised: \*SB 3267, CH 302 (1985)
- Driving without valid license, confiscate plates and driver's license: 2SHB 879
- Excise tax, fair market value increases limited to 6% per year: SSB 3932
- Federal heavy vehicle use tax for state vehicle registration: \*HB 398, CH 79 (1985)
- Financial responsibility, confiscate plates and license if driving without: 2SHB 879
- Financial responsibility, driver's license suspension, reinstatement fee required: \*HB 158, CH 211 (1985)
- Financial responsibility, insurance, bond, deposit, or self-insurance required: SB 4313, SSB 4313
- Financial responsibility, proof of is a license condition, penalties: SHB 227, SSB 3306
- Financial responsibility, resuspend or rerevoke license if don't maintain: \*HB 156, CH 157 (1985)
- Fisheries patrol officers empowered to enforce traffic and criminal laws: \*SHB 127, CH 155 (1985), SB 3185, SSB 3185
- Fleet registration, IRP plan: \*SB 3601, CH 380 (1985)
- Franchises for the retail sale of fuel, restrictions: SB 3218
- Freeway traffic flow, passing lane created: HB 507
- Fuel containing alcohol, tax exemptions: \*SB 3456, CH 371 (1985)
- Fuel, retail sale, franchises, restricted: SB 3418
- Fuel taxation, penalty waiver for failure to pay, conditions: SB 3402
- Gasoline delivery trucks to be equipped with delivery meters: SB 3900
- Gun use in nonhighway vehicle: SB 3450
- Handicapped drivers, refueling services required: SB 3027, \*SSB 3027, CH 309 (1985)
- Headlights must be on when windshield wipers in use: SB 3136
- Highway construction stabilization account: \*HB 720, CH 140 (1985)
- Highway safety fund, license fees, deposits modified: SSB 3927
- Hulks, regulating removal and disposal of: SB 3553, \*SSB 3553, CH 377 (1985)
- Identical cards, available to individuals versus "nondrivers": \*HB 1094, CH 212 (1985)
- Identical cards, fee increased: SSB 3927
- Impoundment, redemption procedure, unlicensed driver: \*SB 4278, CH 391 (1985)
- Impoundment regulated: SB 3553, \*SSB 3553, CH 377 (1985)
- Indian tribal governments exempt from vehicle license fees: SB 3347, SSB 3347
- Indian tribe included in jurisdiction definition, reciprocal vehicle registration: SB 3023

**MOTOR VEHICLES—cont.**

- Instruction permit provisions modified: SB 3035, \*SSB 3035, CH 234 (1985)  
 Instruction permits to contain photograph: \*SB 3942, CH 1 E1 (1985)  
 Instruction permits to have photo, fee modified: SSB 3927  
 Insurance, accident prevention course and over 55, lower rates: SB 3458, SSB 3458  
 Insurance, bond, deposit, or self-insurance required: SB 4313, SSB 4313  
 Insurance identification cards required: SB 3306  
 Insurance or bond required: SHB 227, SB 3052, SB 3306, SSB 3306  
 Insurance or other financial responsibility is license condition, penalties: SHB 227, SSB 3306  
 Insurance, reasonable minimum standards established by commissioner: SHB 41  
 IRP plan for proportional registration and reciprocity: \*SB 3601, CH 380 (1985)  
 Junk vehicles, regulating removal and disposal of: SB 3553, \*SSB 3553, CH 377 (1985)  
 Juvenile agricultural driving permit, photo required, fee modified: SSB 3927  
 Leaking of food products that are a roadway hazard: SB 4281, SSB 4281  
 License fees, special 50 cent assessment, noxious weed control: SB 3234  
 License plate and registration renewal, conditioned on valid license: 2SHB 879  
 License plates, confidential, list to legislative auditor: SB 3030  
 License plates confiscated if driving without license or financial responsibility: 2SHB 879  
 License plates, new plates if present are 10 years old: SB 3626  
 License plates not issued if driver's license invalid: 2SHB 879  
 License plates, personalized, proportionally registered vehicles may not have: \*SB 3401, CH 173 (1985)  
 Licenses, nonresidents, requirements modified: SB 3007, \*SSB 3007, CH 353 (1985)  
 Licenses, permits, etc., fees increased: \*SB 3942, CH 1 E1 (1985)  
 Load requirements modified: \*SB 3120, CH 351 (1985)  
 Metal studded tires prohibited: SB 3117  
 Mobile homes, special movement permit: SB 3068, \*SSB 3068, CH 22 (1985)  
 Mobile homes, used, tax on successive transfers eliminated: SB 4249  
 Model traffic ordinance updated: \*SB 3144, CH 19 (1985)  
 Motor vehicle fuel tax for 1st avenue south bridge construction: SB 3349  
 Motorcycle examination fee, increase amount to highway safety fund: SSB 3927  
 Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740  
 Noise control, ORVs, organized competition, rules: SB 3464  
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 Obsolete references to automotive policy board removed: SB 3030  
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 Optical strobe light devices, use restricted to law and emergency vehicles: \*HB 327, CH 331 (1985)  
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 Parcel/package delivery, certain vehicles subject to WUTC jurisdiction: SB 3522  
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- Registration cancelled if driving without license, financial responsibility, and with suspension: 2SHB 879
- Registration, odometer reading carried forward to: SB 3891
- Registration won't be issued if driver's license invalid: 2SHB 879
- Replacement licenses, etc., fee increased: SSB 3927
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- School buses must have seat belts: SB 4331
- Seat belts, autos with tampered equipment not allowed: SB 3032
- Seat belts, children under 2 to be in safety seats: SB 4312
- Seat belts must be worn by operator and minors: SB 3031
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- Seat belts required on school buses: SB 4331
- Seat belts, restraints for children, 7 day compliance time eliminated: SB 3031
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- Seat belts, traffic infraction and \$25 fine for not wearing: SB 3032
- Seat belts, traffic infraction for failure to wear: SB 3031
- Seat belts, 16 years or older driver or operating, mandatory: SHB 1182
- Splash and spray from heavy commercial vehicles, review need: SB 3795
- Splash and spray from trucks, semis, etc., review need: SSB 3795
- Staggered licensing for vehicle dealers or manufacturers: \*HB 399, CH 109 (1985)
- Sunscreen windows, approval process: \*SB 3085, CH 304 (1985)
- Tire recycling: \*SHB 804, CH 345 (1985), SB 3863
- Tires, metal studded tires prohibited: SB 3117
- Tow truck operators, registration required: SB 3553, \*SSB 3553, CH 377 (1985)
- Tractor-trailer combinations, length requirements modified: \*SB 3120, CH 351 (1985)
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- Traffic infraction, overloading of private carrier buses prohibited: SB 3581
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- Traffic violations, fisheries and game agents have enforcement power: SB 3185
- Trailers, nonresident licensing requirements modified: SB 3007, \*SSB 3007, CH 353 (1985)
- Transportation budget, 1985-87: \*SSB 3920, CH 460 (1985)
- Truck tractors, freight compartments allowed: SHB 137, SB 3341, SSB 3341
- Underinsured motor vehicle coverage, not applicable to excess or umbrella policies: \*SHB 957, CH 328 (1985)
- Underinsured motorist vehicle coverage does not need to be same amount as property damage liability coverage: \*SHB 957, CH 328 (1985)
- Underinsured motorist vehicle coverage, one spouse sufficient to reject coverage: \*SHB 957, CH 328 (1985)
- Used motor vehicles, sales regulated: SB 3381
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- Vehicle license, valid driver's license is a condition: \*SHB 1107, CH 424 (1985)
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- Endorsement, safety education course a prerequisite: SB 3035, \*SSB 3035, CH 234 (1985)
- Examination fee, increase amount allocated to highway safety fund: SSB 3927
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- Instruction permits provisions modified: SB 3035, \*SSB 3035, CH 234 (1985)
- Instruction permits, renewal and fee modification: \*SB 3942, CH 1 E1 (1985)
- Safety education course a prerequisite to endorsement: SB 3035, \*SSB 3035, CH 234 (1985)

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- Sales tax on adult only items, money to child abuse programs: SB 4162
- Sexually explicit conduct, allowing minor to view, class C felony: SB 3036

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- Reimbursement of costs to local governments: \*SB 3593, CH 255 (1985)
- Sale or transfer of dredge spoil free of DNR interest allowed: SB 3131, \*SSB 3131, CH 12 (1985)
- Sediment retention, immediate need, cooperate with federal government: \*SB 4146, CH 307 (1985)
- Surplus land may be disposed of for fish and wildlife habitat: \*SB 4146, CH 307 (1985)

**MUNICIPAL CORPORATIONS**

- Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)
- Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

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- Local improvement districts, museum, cultural or arts facilities authorized: \*SHB 379, CH 397 (1985)
- Thomas Burke memorial museum, termination repealed: \*SB 4169, CH 29 (1985)

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- Unemployment insurance, employer and employee defined: SB 3162, \*SSB 3162, CH 47 (1985)

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- Archaeological material, disposition procedures revised: \*SB 3028, CH 64 (1985)
- Criminal jurisdiction, retrocession over Colville land: SHB 495, SB 3565
- Quinault tribal highway: SB 3125, \*SSB 3125, CH 228 (1985)
- Reciprocal vehicle registration, Indian tribe included in jurisdiction definition: SB 3023
- Retrocession of criminal jurisdiction over Colville land: SHB 495, SB 3565
- Salmon, aquaculture status: \*SB 3067, CH 457 (1985)
- State jurisdiction to regulate fireworks on federal enclaves: SJM 122
- Steelhead, aquaculture status: \*SB 3067, CH 457 (1985)
- Treaty fish management, requesting federal funds: HJM 17
- Tribal governments exempt from vehicle license fees: SB 3347, SSB 3347

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- Aquaculture advisory council created: \*SB 3067, CH 457 (1985)
- Aquaculture lands or structures, trespass prohibited: \*SB 3173, CH 289 (1985)
- Buoy maintenance funds from vessel excise tax: SB 3583
- Canadian forest products, import restrictions: \*SJM 102 (1985)
- Commissioner, certain duties transferred to department: \*SB 3337, CH 197 (1985)
- Common school trust land exchange, DNR and community colleges: \*HB 169, CH 168 (1985)
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 Forest practices interagency assistance team created: SB 3371  
 Forest products market development task force: SB 3907  
 Forest reserve fund distribution, 50% schools, 50% county roads: SB 3145, \*SSB 3145, CH 311 (1985)  
 Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)  
 Hydraulic projects, authority transferred to ecology department: SB 3253  
 Inventory of state-owned land, description of buildings required: SB 3083, SSB 3083  
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 Timber to be sold on a sustained-yield basis: SB 3335  
 Trespass on aquaculture lands or structures prohibited: \*SB 3173, CH 289 (1985)  
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Child abuse, report within 48 hours versus 7 days: SHB 932, SSB 3238, 2SSB 3238

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- Church ministries, exempt parents from truancy penalties: SB 4167.
- Church schools, temporary commission to study: SB 3550
- Compulsory education laws suspended while home school opportunities studied: SB 3550
- Contractual arrangements between school districts, community colleges, voc-tech institutes, ESDs, and private providers: SB 3514
- Early childhood education, monitor private programs: SB 3518
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- Home schooling requirements established: SB 3279, \*SSB 3279, CH 441 (1985)
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- Preschool advisory committee to assist DCD with preschool program: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Preschool, disadvantaged, attendance provided for: SB 3512
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- Preschool, monitor private programs: SB 3518
- Preschool, state education and assistance program for at-risk children: \*2SHB 1078, CH 418 (1985), SSB 4243
- Preschool, transition program, state-supported preschool education and assistance: SB 4243
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- Sexual abuse prevention education required: SB 3248, SSB 3248
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- Instruction and forms on probate, attorney general to provide: SB 3025

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- Criminally insane, tracking system for those on conditional release: SB 3197
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- Employee recognition awards authorized to be given by agencies: \*SHB 220, CH 114 (1985)
- Employee suggestion program, 10% of net savings: \*SHB 220, CH 114 (1985)
- Incentive pay program, civil service exempt employees are ineligible: \*SHB 220, CH 114 (1985)
- Incentive pay program, unit to demonstrate at lower cost initially: \*SHB 220, CH 114 (1985)
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- Abuse of children and adult dependents, reporting duties: SHB 932, SB 3238, SSB 3238, 2SSB 3238
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- Bail bond provisions revised, when surety is released: SB 4305, SSB 4305
- Child abuse and dependent adults, reports received by prosecutor, tabulate for DSHS: SHB 932, SSB 3238, 2SSB 3238
- Child support, prosecutors to report to legislature on legislation's effectiveness: SSB 3482
- Comprehensive forfeiture act: SB 3329
- Defenses, defendant must establish by a preponderance of the evidence: SB 3224
- Deferred prosecution, drunk driving, clarified: \*SB 3230, CH 352 (1985)
- Deferred prosecution, drunk driving, return confiscated license: HB 10
- Deferred prosecution, sign statement advising rights, acknowledging guilt: 2SHB 879
- Drug violations, forfeiture of all real property: SB 3608
- Elements, establish beyond a reasonable doubt: SB 3224
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- Sexual abuse or exploitation of children, special AG unit to investigate: SB 3246
- Special adult supervision programs repealed: \*SB 3148, CH 52 (1985)

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- Moral nuisances, lewd matter, lewdness, prostitution, penalty up to \$25,000: \*SB 3906, CH 235 (1985)
- Street kids pilot project, multiservice centers: 2SHB 930

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- AFDC, property tax exemptions for recipients: SB 3019
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- AFDC to students over 18 who do complete program before age 19, not a debt: \*SHB 396, CH 335 (1985), SB 3509

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- Basic health plan, managed systems to provide for low-income persons: SB 3320, SSB 3320
- Current use valuation of low-income housing: SJR 128
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- Eligibility conditioned on effort to get federal aid: \*SHB 396, CH 335 (1985)
- Eligibility requirements, income, modifications: \*SHB 396, CH 335 (1985), SB 3509
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- Funeral expenses, eligibility: SB 4126, SSB 4126
- General assistance defined to include unemployed: SB 3455
- General assistance, eligibility conditioned on effort to get federal aid: \*SHB 396, CH 335 (1985)
- General assistance, pregnancy, need based on AFDC resource requirements: \*SHB 396, CH 335 (1985)
- General assistance, property tax exemptions for recipients: SB 3019
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- Heating assistance, utility rate relief, low-income veterans, blind, or disabled: SB 3221
- Housing authority powers, mortgage authority: \*SSB 3911, CH 386 (1985)
- Low-income housing current use assessment: SJR 128
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- Meals furnished to elderly, low-income, or handicapped, tax exempt: \*HB 183, CH 104 (1985)
- Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)
- Moderate income, housing project eligible: SB 3911
- Parent education program for AFDC recipients: SB 4164
- Pregnancy, general assistance need based on AFDC resource requirements: \*SHB 396, CH 335 (1985)
- Preschool, disadvantaged, attendance provided for: SB 3512
- Preschool, state education and assistance program for at-risk children: \*2SHB 1078, CH 418 (1985), SSB 4243
- Preschool, transition program, state-supported preschool education and assistance: SB 4243
- Property tax exemptions for recipients: SB 3019
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- SSI, retroactive reimbursement of interim assistance, portion is attorney fee: \*SHB 50, CH 100 (1985)
- Unemployed included in definition of general assistance: SB 3455
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- Television, payroll deduction from state employees: SB 3603

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- Beginning and end of campaign for public disclosure purposes: SB 3367
- Campaign contribution limitation imposed, \$1,000 to \$5,000 scale: SB 3307

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- Campaign contributions over \$500 made within 21 days of election, report: \*SSB 3307, CH 359 (1985)
- Campaign financing by the public authorized: SB 3832
- Campaign financing expenditure limits provided, matching funds: SB 3832
- Checking account information, disclosure, liability, law enforcement: SB 4165, SSB 4165
- Confidentiality covers meetings of hospital district about provider status: \*SHB 279, CH 166 (1985), SB 3271, SSB 3271
- Consultants of certain agencies to comply with financial reporting requirements: SB 3107
- Contracts, state money received by contractors subject to state prohibitions: SB 3101
- Contributions, receipts for currency over \$50: SB 3367, \*SSB 3367, CH 367 (1985)
- Contributions, reporting and thresholds revised: SB 3367, \*SSB 3367, CH 367 (1985)
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- Drivers' license records, access restricted: SB 3790, SSB 3790
- Election duties of secretary of state transferred to commission: SB 3850
- Executive director, appointment: SB 3367, \*SSB 3367, CH 367 (1985)
- Executive sessions, conditions revised: SB 3386, \*SSB 3386, CH 366 (1985)
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- Financial advisors of certain agencies to comply with financial reporting requirements: SB 3107
- Financial reporting, exemptions revised: SB 3367, \*SSB 3367, CH 367 (1985)
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- Hospital districts, confidential meetings, health care provider status: \*SHB 279, CH 166 (1985), SB 3271, SSB 3271
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- Industrial insurance claimants may review files: SHB 712
- Legal advisors of certain agencies to comply with financial reporting requirements: SB 3107
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- Mental health records of juveniles, confidential: SB 3099, \*SSB 3099, CH 354 (1985)
- Name changed to elections and public disclosure commission: SB 3850
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- Personnel files, record disclosure for research, procedure: \*HB 357, CH 334 (1985)
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- Political committees, financing, one per candidate: SB 3367, \*SSB 3367, CH 367 (1985)
- Public financing of campaigns authorized: SB 3832
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- Taxpayer information, exempt from public inspection and copying: SB 3884
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- Coverage group increased: SB 3833
- Public employees' insurance fund created: SB 3833
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- Leland Blankenship reappointed:  
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- Colleges and universities, competitive bidding threshold increased for research purchases: \*SHB 391, CH 342 (1985)
- Competitive bidding threshold increased: SB 3475
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- Competitive sealed proposals: SHB 393, SB 3474
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- Historic properties have preference of use by state agencies: SB 3282
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- School bidding procedures modified: \*SB 4206, CH 324 (1985)
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- Assessments, special benefits, lawful use of property to be considered: SB 3801
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- Common carrier includes public transportation authorities, WUTC jurisdiction: SB 3291
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- Highway contract bids, lowest, determination, elements, etc.: SB 3824
- Local improvement districts authorized: \*SHB 379, CH 397 (1985)
- Overloading of private carrier buses prohibited: SB 3581

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Consumers' utility board established: SB 4173

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Districts, commissioner compensation modified: \*SHB 23, CH 330 (1985)

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Low-income veterans, blind, disabled, rate relief: SB 3221, SSB 3221

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- County road administration requirements revised: SB 3356, \*SSB 3356, CH 369 (1985)
- Distressed counties, CERB to spend 20% of loans and grants for projects: \*SHB 461, CH 446 (1985)
- Financing of local public works provided through tax, bonds, loans: SB 3798, SSB 3696, SSB 3798, \*SSB 4228, CH 471 (1985)
- Incorporation of new cities, essential service provisions by county provided for 60 days: \*SHB 1191, CH 143 (1985)
- Incorporation of new cities, essential service provisions by county via contract: \*SHB 956, CH 332 (1985)
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- Investigation procedure for prevailing wages on public works: \*SHB 16, CH 15 (1985)
- Local, financing provided through a tax, bonds, loans: SB 3798, SSB 3696, SSB 3798, \*SSB 4228, CH 471 (1985)
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- Prevailing wage violation, penalties: \*SHB 16, CH 15 (1985)
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- Public works assistance program, DCED to provide staff to CERB: \*SHB 461, CH 446 (1985), SSB 3696
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- Enforcement actions on water quality, report to legislature: SHB 796
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- Sewage treatment, combined sewerage overflows, reduction planned: \*SHB 815, CH 249 (1985)
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Television reception improvement district may transmit FM: \*HB 12, CH 76 (1985)

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- Schools, exempt parents from truancy penalties: SB 4167
- Scoliosis screening, all in grades 5 through 10 except for religious beliefs or  
redundancy: \*SB 4227, CH 216 (1985)
- Tax exemption, 5 acre limit for church property removed: SB 4246

**RENT**

- Public assistance, landlord may be assigned: SB 3158

**RESEARCH**

- Agricultural market research advisory committee to IMPACT center created: SB  
4130
- Donations to nonprofit teaching or research institutions, use tax exempt: SB 3864
- Investment projects, new manufacturing buildings or major improvements, sales  
tax deferral: SB 4204
- Research and development, tax rate modified: SB 4309
- Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875
- Tax deferral, sales and use, investment projects of persons currently not in state:  
HB 1326

**RESTAURANTS**

- Discrimination based on sex prohibited: \*SB 4259, CH 203 (1985)
- Sodium nitrite, food service establishments, notice to public: SB 3321
- Sulfiting agent in food, notice to public: SB 3613

**RESTROOMS**

- Grocery stores and banks must have public restrooms: HB 51

**RETAILERS**

- Sales representations, contracts and commissions regulated: SB 3255, SSB 3255

**RETIREMENT AND PENSIONS**

- Actuarial fiscal notes for retirement legislation: SB 3758
- Amortization of unfunded liability, 29 years: SHJR 30
- Amortization of unfunded liability, 30 years: SB 3759
- Benefit formula modifications require 60% vote: SB 3562, SJR 110
- Benefit increases, must have 2/3rds vote and appropriation: SJR 121
- Contributions, termination of employment, options for disposition: SB 4279
- Cost of living retirement adjustments, funding required: SHB 378, SB 3761
- Direct billing of employers for PERS payments: \*HB 643, CH 138 (1985), SB 4254
- Disability retirement maximum limit eliminated: SB 3192
- District superintendents, out-of-state service credit allowed: SB 4148
- Early retirement, review to see if special benefit caused early retirement, retro-  
actively adjust: SB 3879
- Employee contribution percentage modified: SB 3578
- Excess compensation, provisions repealed: SB 3502

**RETIREMENT AND PENSIONS—cont.**

- Higher education, average annual salary as supplemented by U.S. government: SB 3446
- Higher education, eliminate supplemental pension benefits: HB 102, SB 3057
- Higher education, retirement plan options, teachers' or PERS: HB 102, SB 3057
- Hollister, Robert L., Jr., reappointed director of the department of retirement systems: GA 105
- Institutional employees, early retirement: SB 3195
- Investment of funds, South Africa or Namibia, prohibited: SB 3226
- Judges, PERS transfer, mandatory, optional: SHB 458
- Judicial, new judges, irrevocable choice, JRS or PERS: SB 3760
- Judicial retirement system, joint legislative committee to study: SCR 119
- Judicial retirement system, transfer from PERS, 1980 deadline removed: SB 3004
- LEOFF, contributions not required for months not granted service credit: SSB 3717
- LEOFF, disability benefits, disability ceased, procedure, appeal: \*HB 657, CH 103 (1985)
- LEOFF, disability benefits, revisions, clarifications: \*SHB 444, CH 102 (1985), SB 3524
- LEOFF, disability, incurred in the line of duty, nonduty: \*SHB 444, CH 102 (1985), SB 3524
- Leoff, disability, six-month waiting period, full benefits allowed: SB 4298
- Occupational disease, retirement in instances of total disability: SB 3193
- PERS, contributions not required for months not granted service credit: SSB 3717
- PERS, direct billing of employers: \*HB 643, CH 138 (1985), SB 4254
- PERS II abolished, transfer to PERS I: SB 3194
- PERS, judges, transfer, mandatory, optional: SHB 458
- PERS, transfer to judicial retirement system, 1980 deadline removed: SB 3004
- Post-retirement adjustment: SB 3578
- Public retirement, joint interim committee, continue: HCR 3, SCR 111
- Restoration of withdrawn retirement contributions by reentering employees: SB 3182, SSB 3182
- South Africa or Namibia, cannot invest in: SB 3226
- State patrol, allowing retirement for 20 years of service: SB 4269
- State patrol, employee contribution percentage modified: SB 3578
- Tax deferral benefits modified, retrospective to 9/1/84: \*SB 3270, CH 13 (1985)
- Teachers, contributions not required for months not granted service credit: SSB 3717
- Teachers may receive pension payments while teaching, department of defense schools: HB 351
- Teachers, out-of-state service credit allowed: SB 4172
- Teachers, pension increases may be taken as medical insurance coverage: SB 4273
- Teachers, reenter state service, cease to receive pension: SB 3847, SB 4201
- Termination of employment, options for disposition of contributions: SB 4279
- Transfer from PERS to judicial system, 1980 deadline removed: SB 3004
- Unfunded liability, amortization, 29 years: SHJR 30
- Unfunded liability, amortization, 30 years: SB 3759

**RETIREMENT COMMUNITIES**

- Certificates of need, exempt: SB 3874

**RETIREMENT SYSTEMS, DEPARTMENT OF**

- Robert Hollister reappointed director:

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**REVENUE, DEPARTMENT OF**

- A. N. "Bud" Shinpoch, appointed director:

GA 3, confirmed ..... pp. 56, 179, 192

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- Collection agencies may be retained to collect taxes, from out of state sources: \*SHB 1003, CH 414 (1985)
- Escheat property, director of revenue to administer estate: \*HB 1004, CH 133 (1985), SB 3889
- Income tax returns, department may not obtain: SB 3006
- Investment projects, new manufacturing buildings or major improvements, sales tax deferral: SB 4204
- Oil company franchise tax for road, street, and highway purposes: SB 3802
- One-stop master license program expanded: SB 3410
- Risk management office, protect and manage revenues and assets: \*SB 3569, CH 188 (1985)
- Sales tax deferral for investment projects, new manufacturing buildings or major improvements: SB 4204
- Sales tax deferral for investment projects that create jobs in distressed areas: \*SHB 1079, CH 232 (1985)
- Taxes and penalties owed, department may charge off bad debt: \*SHB 1003, CH 414 (1985)

**REVOLUTION**

- Civil disorders, teaching, etc., use of guns, prohibit: SHB 81

**REYNOLDS, ANDY**

- Member, lottery commission: GA 112, confirmed . . . . . pp. 70, 2032

**RIALS, SHERRY**

- Miss Washington U. S. A. introduced and addressed Senate . . . . . p. 1684

**RICE, JANET L.**

- GA nomination as member, sentencing guidelines commission, withdrawn . . . . . p. 355
- Reappointed member, sentencing guidelines commission: GA 90, confirmed . . . . . pp. 358, 849, 2459

**RICHMOND, CHARLES R.**

- GA nomination as member, Washington state housing finance commission, withdrawn . . . . . p. 1248

**RIDE-SHARING**

- Ride-sharing vehicles, tax exemption extended: SB 4234

**RILEY, WILLIAM**

- Member, Washington state housing finance commission: GA 157 . . . . . p. 2116

**RINEHART, SENATOR NITA**

- Appointed member, education, governmental operations, rules and ways and means committees . . . . . p. 15
- Personal privilege, thanks senate . . . . . p. 302
- Statement for journal, vote on ESHB 16 . . . . . p. 1443
- Appointed interim member, LEAP committee . . . . . p. 2636

**RINGHOFFER, STEPHEN M.**

- GA nomination as member, oil and gas conservation committee, withdrawn . . p. 1248

**RISK MANAGEMENT OFFICE**

- Authority modified: \*SB 3569, CH 188 (1985)
- Insurance premium cost, appropriate resources, paid by: \*SB 3569, CH 188 (1985)
- Municipalities, may contract for coverage: \*SB 3569, CH 188 (1985)
- Revenues and assets, protection and management: \*SB 3569, CH 188 (1985)

**RIVERS AND STREAMS**

- Acid rain, DOE to continue monitoring, critical levels to be established: \*SHB 974, CH 456 (1985)
- Conservation commission, matching grant program for conservation districts: SB 3379, SSB 3379
- Flood plain management, DOE to adopt rules: \*SHB 380, CH 454 (1985)
- Matching grant program for conservation districts: SB 3379, SSB 3379
- Mt. St. Helens, sale or transfer of dredge free of DNR interest allowed: SB 3131, \*SSB 3131, CH 12 (1985)
- Nisqually river system, management program required: \*SHB 323, CH 244 (1985), SB 3472, SSB 3472
- River outfitter and guiding services regulated: SB 3554
- River rafting advisory committee: SB 3554
- Yakima water adjudication, certification period reopened: \*SSB 4424, CH 435 (1985)

**ROAD IMPROVEMENT DISTRICTS**

- Formation, resolution process: SB 3356, \*SSB 3356, CH 369 (1985)
- Special assessment procedure modified: SB 3356, \*SSB 3356, CH 369 (1985)

**ROADS AND HIGHWAYS (See also PUBLIC WORKS)**

- Advertising, farm products, road sign requirements modified: SB 3045
- Advertising, farm products, tourist-oriented, requirements: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)
- Advertising information panels, limits, procedures, eligibility: \*SSB 3500, CH 376 (1985)
- Advertising, political signs, temporary and not within right of way: SSB 3500
- Assistance vans may stop on limited access highway: \*HB 271, CH 149 (1985)
- Avalanche control activities exempted from explosives law: \*HB 787, CH 191 (1985)
- Bicycle safety program: SB 3895
- Bids, lowest, determination, elements, etc.: SB 3824
- City street vacation, compensation, full appraised value: \*SB 3830, CH 254 (1985)
- Contractors, prequalification, public highway construction, improvement, or repair: SB 4247
- Counties may make improvements to state highways: \*SHB 187, CH 400 (1985), SB 3280, SSB 3280
- County road administration board, appropriation: SB 3284
- County road administration board, fund authority modified: \*SHB 321, CH 120 (1985)
- County road administration requirements revised: SB 3356, \*SSB 3356, CH 369 (1985)
- County road improvement districts, special assessment procedure modified: SB 3356, \*SSB 3356, CH 369 (1985)
- County road property tax diversion for law enforcement, auditor to study: \*SHB 203, CH 429 (1985)
- County road service areas may receive urban arterial funds: SB 3855
- County road vacating process: SB 3356, \*SSB 3356, CH 369 (1985)
- Economic development account of the motor vehicle fund created: \*SHB 863, CH 433 (1985)
- Farm products, road sign requirements modified: SB 3045
- Farm products, temporary signs, requirements: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)
- First avenue south bridge construction, motor vehicle fuel tax: SB 3349
- Forest reserve fund distribution, 50% schools, 50% county roads: SB 3145, \*SSB 3145, CH 311 (1985)
- Freeland excluded from scenic highway system: SB 4163
- Freeway traffic flow, passing lane created: HB 507

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 Highway construction stabilization account: \*HB 720, CH 140 (1985)  
 Highway contract bids, lowest, determination, elements, etc.: SB 3824  
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 Hood canal bridge toll phase-out procedure: SB 3457  
 Horn Rapids bridge, bond ceiling removed: SB 3054  
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 Interstate highway construction funds, asking congress to release: \*HJM 1 (1985)  
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 Limited access facilities, assistance vans may stop: \*HB 271, CH 149 (1985)  
 Metal studded tires prohibited: SB 3117  
 Mobile homes, special movement permit: SB 3068, \*SSB 3068, CH 22 (1985)  
 Model traffic ordinance updated: \*SB 3144, CH 19 (1985)  
 Motor vehicle fund transfer to the rural arterial trust account for the CRAB board: SB 3284  
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 Oil company franchise tax for road, street, and highway purposes: SB 3802  
 Prequalification, contractors for public highway construction, improvement, or repair: SB 4247  
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 Radioactive materials, transportation study provided for: HB 55  
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 Scenic highway system, advertising, farm products, tourism: SHB 406, SB 3288, SB 3500, \*SSB 3500, CH 376 (1985)  
 Scenic highway system, Freeland exempt: SB 4163  
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 South African or Namibian products shall not be purchased: SB 3227  
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 Tires, metal studded tires prohibited: SB 3117  
 Tourist information council created, regulate signs on primary and scenic highways: SB 3500  
 Tourist information panels, limits, procedures, eligibility: \*SSB 3500, CH 376 (1985)  
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 Urban arterial funds, county road service areas may receive: SB 3855  
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**ROGERS, JACK H.**

- GA nomination as member, state investment board, withdrawn . . . . . p. 355  
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**ROPER, JUDGE JAMES**

Member, juvenile disposition standards commission:  
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**ROSE, ANNE H.**

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**RYAN, QUEEN KELLY**

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- Armor-piercing ammunition restricted: SB 3542
- Asbestos, workers regulated: SB 4209, \*SSB 4209, CH 387 (1985)
- Assistance vans may stop on limited access highway: \*HB 271, CH 149 (1985)
- Beer and wine advertising, health warnings required: SB 4300
- Bicycle safety program: SB 3895
- Dietetic services registration act, diet plans, etc.: SB 3451
- Flour and bread requirements modified: \*SB 4122, CH 25 (1985)
- Grocery stores and banks must have public restrooms: HB 51
- Ground water contamination, civil action authorized by injured parties: SB 4440
- Injuries on the jobsite, limitation of action, 18 months: SB 4275
- Limited access facilities, assistance vans may stop: \*HB 271, CH 149 (1985)
- Motorcycle safety education course required: SB 3035, \*SSB 3035, CH 234 (1985)
- Public transportation authorities, safety jurisdiction of WUTC covers: SB 3291
- Radiation control power of DSHS, radiological baseline, monitor emissions, cancer data: SB 3799
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- Radon detectors: SHB 894
- School buses must have seat belts: SB 4331
- Seat belt safety instruction, K-12: SB 3031
- Seat belts, children under 2 to be in safety seats: SB 4312
- Seat belts must be worn by operator and passengers: SB 3031, SB 3032
- Seat belts, passengers under 16, belt or safety seat required: SHB 1182
- Seat belts required on school buses: SB 4331
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- Seat belts, 16 years or older driver or operating, mandatory: SHB 1182
- Seismic safety commission created: SHB 493, SB 3488
- Sodium nitrite, food service establishments, notice to public: SB 3321
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- Water heater temperatures, apartments with central systems exempt: \*HB 34, CH 119 (1985), SB 3206
- Worker and community right to know modified: SB 3150
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- Advertised price, selling price, to be distinguished: \*HB 601, CH 38 (1985)
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- Catalog sales, out-of-state sales to state residents, B & O tax: SB 3838, SB 3839
- Charitable solicitations via telephone, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)
- Commissions by sales representatives regulated: SB 3255, SSB 3255
- Conveyance tax collection by county treasurer: SB 3883
- Direct seller's representatives, tax exemption modified, consumer products: HB 1002, SB 3892
- Due on sale clause: SHB 936
- Franchises for the retail sale of fuel, restrictions: SB 3418
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- Gasoline delivery trucks to be equipped with delivery meters: SB 3900
- Hay containing weed seeds, sale is illegal: SB 4119, SSB 4119
- Health clubs, protection for purchasers of services: SSB 3161
- Health studios, protection for purchasers of services: SB 3161
- Motor vehicle fuel franchises, restricted: SB 3418
- Organic food products, standards established: \*SHB 297, CH 247 (1985)

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- Used motor vehicles, sales regulated: SB 3381
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- Hatcheries, private ownership by nonprofit corporations: SB 3064
- Hatchery production below 85%, use private aquaculturists: SB 3556
- Licenses, angling, Oregon reciprocity, boundary clarification: \*SHB 14, CH 174 (1985)
- Monofilament gillnet webbing, coordination between Oregon and Washington: \*HB 31, CH 147 (1985)
- Natural fish runs, reinstate Tilton and upper Cowlitz salmon and steelhead runs: SB 4314, \*SSB 4314, CH 208 (1985)
- Oregon angling license: SB 3877, SSB 3877
- Punchcard requirements modified: SB 3877, SSB 3877
- Sale of inedible salmon, revisions: \*SB 3368, CH 28 (1985)
- Salmon advisory council to report to legislature on facility funding and capacity: \*SSB 3384, CH 458 (1985)
- Salmon and steelhead rehabilitation and enhancement policy board: SB 3384
- Salmon fishery resources, long-term regional enhancement policy and plan: \*SSB 3384, CH 458 (1985)
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**SANDSTROM, ANN**

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- Achievement tests, high school, diagnostic test if fail: SB 3519
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- Administrators' academy planned: SB 4118, SSB 4118
- Admission standards for college, inform students: SHB 170, SB 4186
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- Assessment of child prior to entering kindergarten: SB 3518
- Assessment test, 2nd graders, criterion based, remediation services: SB 3519
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- Church schools, temporary commission to study: SB 3550
- Citizen dissatisfaction with basic education program, procedure: SB 3232
- Classified employees, contracts which adversely affect are prohibited: SB 3484
- Clearinghouse for educational information: SB 3352
- Combined districts, superintendent salary, limit modified: SB 3002
- Community programs on child abuse and parenting: \*SHB 799, CH 344 (1985)
- Comparable worth assessment project: SB 4144
- Competency of personnel, each district to develop process: SB 3232
- Compulsory education laws suspended while church school opportunities studied: SB 3550
- Compulsory education laws suspended while home school opportunities studied: SB 3550
- Computerized employment and other post-high school opportunities available: SB 3519
- Contact hours may be waived if necessary for educational excellence: SB 3235, \*SSB 3235, CH 349 (1985)
- Contracts adversely affecting classified employees prohibited: SB 3484
- Contractual arrangements between school districts, community colleges, voc-tech institutes, ESDs, and private providers: SB 3514

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- Counselor ratio, 7th through 12th grade, academic and career counseling: SB 3519
- County committee on school district organization made regional: \*SB 4142, CH 385 (1985)
- Coupons to take courses at other high schools, pilot program: SB 3514, SSB 3514
- Curriculum, high school graduation, goals, objectives: SB 3519
- Day care authorized: SB 3780
- Diagnostic tests if fail 8th, 10th, or graduation achievement test: SB 3519
- District organization, revisions: \*SB 4142, CH 385 (1985)
- District superintendents, out-of-state service credit allowed: SB 4148
- District-based management pilot projects, funded by SPI: SB 3250
- Districts, consultation, evaluation, and assistance program: SB 3515
- Districts included under SEIB jurisdiction: SB 4327
- Districts, less than 25 FTE's, SPI to recommend basic education allocation formula: \*SSB 3235, CH 349 (1985)
- Diversity of student, basic education, not placed in particular group: SB 3232
- Dropouts, alternative high school pilot project: SB 4321, SSB 4321
- DTP vaccine, enact legislation to continue production: SJM 125
- Early childhood education enhanced: SB 3518, SB 4243, SSB 4243
- Early childhood education office, duties regarding childhood programs: SB 3518, SSB 3518
- Early childhood education office established, develop kindergarten: SB 4176
- Early childhood education, office established in SPI: SB 3518, SSB 3518
- Early childhood education programs, office of early childhood education and DSHS, duties: SB 3518, SSB 3518
- Earthquake safety in school buildings: SB 3448, SSB 3448
- Educational employees collective bargaining, joint labor-management council: SB 3620
- Educational excellence, advisory committee on research and development: SB 3235, \*SSB 3235, CH 349 (1985)
- Educational excellence, contact hours may be waived if necessary: SB 3235, \*SSB 3235, CH 349 (1985)
- Educational excellence, grants for improvement/research projects: SB 3235, \*SSB 3235, CH 349 (1985)
- Educational excellence, grants for pilot projects in building-based management: SB 3235
- Educational excellence, incentives, salary, monetary, nonmonetary: SB 3235
- Educational excellence, pilot projects to return autonomy to local districts: SB 3591
- Educational excellence, research projects, curriculum and instruction improvements: SB 3235, \*SSB 3235, CH 349 (1985)
- Educational excellence, self-study procedures: SB 3235, \*SSB 3235, CH 349 (1985)
- Educational excellence, teacher certification, graduate-level program: SB 3235
- Educational excellence, 4 day school week, fifth day for planning, pilot projects: SB 3591
- Employee suggestion awards: SB 3160, SSB 3160
- Employees, sick leave accumulation period modified: \*SB 3205, CH 210 (1985)
- Evaluation instruments and training for teacher personnel decisions: SB 4175
- Excess levies, not qualified to exceed, equalized calculation for taxes: SB 3757
- Excess levies, not qualified to exceed, legislature to allocate funds: SB 4289
- Excess levies, 3/5ths passage required: SB 3909
- Excess levies, 40% validation requirement modified, 3/5ths vote only: \*HJR 22 (1985), SJR 122
- Excess levy lid, qualify to exceed, use equalized calculations: SB 4123
- Excess levy lid reduction, 3 year freeze: \*SB 3612, CH 374 (1985)

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- Excess levy limitation, expenses, schools to report, phase-down schedule: SB 3615, SB 3868
- Excess levy limitation, funds for relief: SB 3868
- Excess levy limitation, property tax increase as relief: SB 3615, SB 3868
- Excess levy, qualification percentage, formula modified: SB 4183
- Forest reserve fund distribution, 50% schools, 50% county roads: SB 3145, \*SSB 3145, CH 311 (1985)
- Four day school week, 5th day for teacher planning, pilot project: SB 3591
- Funding based on FTES: SB 3232
- Funding, governor to study and report to legislature: SB 4183
- General and equivalent public school system: SJR 117
- Gifted students, programs funded by tax on junk food: SB 4283
- Global international education program, K-12: SB 3296, SSB 3296
- Graduation, elective credit for fine, visual, or performing arts: \*SB 4140, CH 384 (1985)
- Graduation, physical education requirement modified: \*SB 4140, CH 384 (1985)
- Grants for improvement and research projects: SB 3235, \*SSB 3235, CH 349 (1985)
- Grants for pilot programs in Japanese and Spanish instruction: \*SSB 3516, CH 379 (1985)
- Grants for pilot projects in building-based management: SB 3235
- Grants, one million dollars for career ladder pilot projects: SSB 3621
- Health coverage, certified and classified employees' covered by public employees' insurance board: SB 3833
- High school achievement test, diagnostic test if fail: SB 3519
- High school, competitive entry residential, joint study: SCR 112
- High school completion programs at community colleges, residency waived: \*SB 4152, CH 198 (1985)
- High school dropouts, alternative high school pilot project: SB 4321, SSB 4321
- High school graduation, curriculum goals, objectives: SB 3519
- High school graduation requirements, fine, visual, and performing arts: SB 3519
- High school graduation requirements, revised: \*SB 4140, CH 384 (1985)
- High school, standardized state-wide core competency achievement test: SB 3519
- High school teachers, competency, endorsement criteria: SB 4182
- High schools, coupons to take courses at other schools, pilot program: SB 3514, SSB 3514
- Highly capable students, programs for required: SB 3616
- High-risk student program to prevent expulsion, suspension, dropping out: SB 3294, SSB 3294
- History and government requirement for graduation modified: \*SB 4140, CH 384 (1985)
- Home schooling, private schools may offer extension programs: \*SSB 3279, CH 441 (1985)
- Home schooling requirements established: SB 3279, \*SSB 3279, CH 441 (1985)
- Home schools, compulsory laws suspended while alternative opportunities studied: SB 3550
- Home schools, temporary commission to study: SB 3550
- Honors award program established: \*SB 3782, CH 62 (1985)
- Horticulture nursery licenses, school horticulture programs exempt: \*HB 21, CH 36 (1985)
- Immunization program, must prove compliance on 1st day of school: SHB 93, \*SB 3547, CH 49 (1985)
- Incentives, salary, monetary, nonmonetary, program supplements: SB 3235
- In-service training, funded by legislature, average of six days: SB 4178
- In-service training in weak areas following evaluation: \*2SHB 849, CH 420 (1985)

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- In-service training needs assessment, implementation: SHB 1143, \*SB 3846, CH 214 (1985)
- In-service training program, 3 days of training for 2 individuals per school building: \*2SHB 1065, CH 423 (1985), SSB 4181
- In-service training provided, 3 days of training to 3 individuals: SB 4181
- In-service training, salary schedule credits for attendance: SB 3235
- In-service training task force: SB 3621
- In-service training, teach children how to resist child abuse: \*SHB 805, CH 419 (1985)
- Insurance, self-funding of employees' time and health benefits: \*SHB 84, CH 277 (1985)
- Intern certificate, valid one year: SB 3621
- Intern certificates valid for one year period, mentor teachers: SB 4175
- Intern-principal program: SB 4180
- Japanese instruction, grades one through six: SB 3516, \*SSB 3516, CH 379 (1985)
- Joint operation of certain programs, don't redesignate as nonhigh district: SB 3350
- Joint operation of programs, between small districts, SPI to do pilot projects: \*SSB 3350, CH 58 (1985)
- Joint operation of programs, SPI to remove financial disincentives: \*SSB 3350, CH 58 (1985)
- Joint operation of programs, WSU to provide technical assistance: \*SSB 3350, CH 58 (1985)
- Junk food taxed, educational programs for gifted students: SB 4283
- Kindergarten, assessment before entering: SB 3518
- Kindergarten, preassessment, office of early childhood education: SSB 3518
- Kindergarten, supplementary program: SB 4176
- Kindergarten, teacher to student ratio modified: SB 3527
- Kindergarten-3, assisted by parents/volunteers, grants awarded: SHB 1106
- Kindergarten-3, combine in a block, office of early childhood education to develop rules: SSB 3518
- Kindergarten-3, early childhood endorsement, office of early childhood education, duties: SSB 3518
- Kindergarten-3, student/teacher ratio reduced to 20/1: SB 3518
- Land for construction, purchase from DNR: \*SB 3794, CH 200 (1985)
- Levies, excess, funds for relief: SB 3868
- Levies, excess, levy lid reduction, 3 year freeze: \*SB 3612, CH 374 (1985)
- Levies, excess, property tax increase as relief: SB 3615, SB 3868
- Levies, excess, qualification percentage, formula modified: SB 4183
- Levies, excess, 10% limitation report, phase-down schedule: SB 3615, SB 3868
- Levies, increasing levy lid to fifteen percent: SB 4111
- Levies, not qualified to exceed, legislature to allocate funds: SB 4289
- Levies, special assessments by districts for any purpose authorized: SB 3232
- Levies, 3/5ths passage required: SB 3909
- Levies, 40% validation requirement modified, 3/5ths vote only: \*HJR 22 (1985), SJR 122
- Levy lid, qualify to exceed, use equalized calculations: SB 4123
- Levy matching funds: SB 4183
- Life-cycle cost analysis for public buildings: SB 3018
- Literacy, adult literacy program: SB 3517, SSB 3517
- Literacy, state advisory literacy coalition: SB 3517, SSB 3517
- Local control, replace state-mandates with state goals: SB 3232
- Maintenance and operation levies, modified for classified or designated forest land: HB 20
- Mental sports competition and research commission established: SB 3405

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- Missing children clearinghouse established: \*SHB 242, CH 443 (1985), SB 3276, SSB 3276
- Missing children clearinghouse, state patrol to have specific data retrievable: \*SHB 242, CH 443 (1985), SSB 3276
- Missing children clearinghouse, toll-free hotline: \*SHB 242, CH 443 (1985), SSB 3276
- Missing children information center: SB 3247
- Monetary support adequate to provide basic education: SB 3232
- National history day contest, conduct in grades 6-12: SB 3843
- Needs assessment and planning guide for common school construction and maintenance: SCR 108
- Negotiation process for employee/employer relationships: SB 3232
- Noncertified employees, 1 year employment period removed: SB 3483
- Non-English speaking students, request federal assistance: SJM 112
- Nonhigh, joint operation of certain programs, don't redesignate high as nonhigh: SB 3350
- Obsolete statutes deleted: \*SHB 262, CH 341 (1985), SB 3783
- Office for the enhancement of human intellect: SB 3421
- Parenting skills, community programs on: \*SHB 799, CH 344 (1985)
- Parents assisting in K-3, award grants to schools: SHB 1106
- Physical education requirement for graduation revised: \*SB 4140, CH 384 (1985)
- Pilot projects that return autonomy to local districts: SB 3591
- Plant facilities, state assistance modified: \*HB 261, CH 136 (1985), SB 3784
- Pooling of resources among districts, community colleges, etc., incentives: SB 3514
- Preschool advisory committee to assist DCD with preschool program: \*2SHB 1078, CH 418 (1985), SB 4243, SSB 4243
- Preschool, disadvantaged, attendance provided for: SB 3512
- Preschool, disadvantaged, program modeled on headstart, not part of basic education fund: SB 4176
- Preschool, monitor private programs: SB 3518
- Preschool programs authorized: SB 3780
- Preschool, state education and assistance program for at-risk children: \*2SHB 1078, CH 418 (1985), SSB 4243
- Preschool, transition program, state-supported preschool education and assistance: SB 4243
- Preschools, disadvantaged, at-risk, office of early childhood education and DCD to communicate: SSB 3518
- Principal, contract authority of board, renewal, nonrenewal: SB 3513
- Principals, elementary school under 250 pupils, full-time prohibited: SB 3443
- Principals, intern-principal program: SB 4180
- Private school bus maintenance, joint purchasing agency authority: SB 3334
- Private school year, not less than 180 days: \*HB 312, CH 16, (1985), SB 3178
- Program content, regulation waiver to implement local plans: SB 3607, \*SSB 3235, CH 349 (1985)
- Property tax increase as relief from levy limitation: SB 3615, SB 3868
- Ratios of students to staff, basic education allocation formulas provided: SB 3778, SSB 3778
- Regional committee on district organization instead of county: \*SB 4142, CH 385 (1985)
- Remedial and bilingual programs, provide cost data on: SB 3619, SSB 3619
- Remediation assistance program application, submit annually to SPI: SB 4139
- Remediation assistance program, certified persons: SB 4139
- Remediation assistance program, readiness activities associated with basic skills: SB 4139

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- Remediation, extended from 2-6 to K-12, or any special assistance student: SB 4139
- Remediation program revised: SB 3510, SSB 3510
- Remediation programs extended from 2-6, to 2-12: SB 4179
- Rubella immunization procedures modified: SHB 93
- Salaries, career ladder pilot projects, increases beyond state allocation: SSB 3621
- Salary and compensation, increases above legislated level borne by district: SB 3274
- Salary increases limited, annual salaries over \$40,000: SB 3896
- Salary schedule consistent with career ladder: SB 3621, SB 4175
- School plant facilities, general obligation bonds, administrative expenses: HB 1327
- School site councils in conjunction with school-based management: \*2SHB 1056, CH 422 (1985)
- School-based management pilot projects: \*2SHB 1056, CH 422 (1985), SB 3239
- Scoliosis screening, all in grades 5 through 10, except for religious beliefs or redundancy: \*SB 4227, CH 216 (1985)
- Seat belt safety instruction, K-12: SB 3031
- Seat belts required on school buses: SB 4331
- SEIB, school districts included in jurisdiction: SB 4327
- Seismic safety in school buildings: SB 3448, SSB 3448
- Self-funding of employees' loss of time and health benefits: \*SHB 84, CH 277 (1985)
- Self-insurance by joint governmental entities expanded: SB 3332, \*SSB 3332, CH 278 (1985)
- Self-study procedures: SB 3235, \*SSB 3235, CH 349 (1985)
- Seniority, nontransferability of classified employees between districts: \*SB 3538, CH 46 (1985)
- Sexual abuse prevention education required: SB 3248, SSB 3248
- Sick leave accumulation, period modified: \*SB 3205, CH 210 (1985)
- Spanish instruction, grades one through six: SB 3516, \*SSB 3516, CH 379 (1985)
- Special programs, racial, urban, rural, bilingual, etc., stop funding 1990: SB 3232
- Staff/student ratios, vocational education: SB 3439, SSB 3439
- Student transportation allocation, transportation other than buses: \*SB 4143, CH 59 (1985)
- Students, testing, adjust for demographic variables: SB 4177, SSB 4177
- Student/teacher ratio for K-3 reduced to 20/1: SB 3518
- Suggestion awards for employees: SB 3160, SSB 3160
- Summer school education credits earned by teachers, reimbursement: SB 4175
- Superintendent of public instruction, appointment provided for: SJR 108, SJR 113
- Superintendents, combined districts, salary limit modified: SB 3002
- Superintendents, out-of-state service credit allowed: SB 4148
- Supervisory certificated employee, defined, term of employment: SB 3513
- Supplemental teacher compensation for additional days or duties: \*SSB 3235, CH 349 (1985)
- Task force on new technologies, educational process: SB 3514
- Teacher certification, board of education to study and report on endorsements: 2SHB 587, \*2SHB 849, CH 420 (1985)
- Teacher certification, graduate-level professional teacher preparation program: SB 3235
- Teacher competency test for certificate endorsement: SB 3867
- Teacher competency test for initial certification: SB 3867
- Teacher evaluation, evaluators must have training: \*2SHB 849, CH 420 (1985)
- Teacher evaluation, in-service training in area of weakness: \*2SHB 849, CH 420 (1985)

**SCHOOLS AND SCHOOL DISTRICTS—cont.**

- Teacher evaluation, SPI to provide technical assistance to local districts: \*2SHB 849, CH 420 (1985)
- Teacher evaluation, SPI to test model programs in local districts: \*2SHB 849, CH 420 (1985)
- Teacher evaluations, short form used after 4 years of satisfactory evaluation: \*2SHB 849, CH 420 (1985)
- Teacher personnel decisions, SPI to provide evaluation instruments and training: SB 4175
- Teacher preparation programs and required college work: SB 3867
- Teacher ratio, grades 1-3, reduce: SB 3518
- Teacher to student ratio, K-3: SB 3527
- Teachers, beginning teachers assistance program: \*2SHB 174, CH 399 (1985), SB 3785
- Teachers, career ladder, evaluation, training: SB 3621, SB 4175
- Teachers, early childhood education endorsement: SB 3518
- Teachers, high school, competency, endorsement criteria: SB 4182
- Teachers in K-3 assisted by parents/volunteers, grants awarded: SHB 1106
- Teachers, in-service training, child abuse: \*SHB 805, CH 419 (1985)
- Teachers may receive pension payments while teaching, department of defense schools: HB 351
- Teachers, noncertified in private schools if academic adequacy situations exist: SB 3816
- Teachers, out-of-state service credit allowed: SB 4172
- Teachers, professional certification requirements, required college work: 2SHB 587
- Teachers, professional preparation programs, required college work: 2SHB 587
- Teachers, prototype professional certification exam, SPI to develop: 2SHB 587
- Teachers, reenter state service, cease to receive pension: SB 3847, SB 4201
- Teachers, supplemental compensation for additional days or duties: \*SSB 3235, CH 349 (1985)
- Teachers, training in recognizing potential child abuse victims: \*SHB 805, CH 419 (1985)
- Teacher/student ratio for K-3 reduced 1/20: SB 3518
- Technologies, task force on, educational process: SB 3514
- Tenth grade achievement test: \*2SHB 141, CH 403 (1985), SB 3779
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335
- Traffic safety education to instruct on passing lane: HB 507
- Transfer of classified staff, union approval required: SB 4225
- Union approval for certain transfer of classified staff: SB 4225
- Veterans' day observance, educational activities: SHB 547, \*SB 3204, CH 60 (1985)
- Vocational education, staff/student ratio: SB 3439, SSB 3439
- Vocational subject areas, certification: SB 3867
- Vocational technical institute system at state-level created, remove from common schools: SB 3865
- Volunteers assisting in K-3, award grants to schools: SHB 1106
- Waiver of program content regulations to enable local plan implementation: SB 3607, \*SSB 3235, CH 349 (1985)

**SCHOON, JOHN**

- Representative, Oregon state legislature, introduced and addressed senate ..... p. 418

**SCHORNO, LARRY**

- S & W Export commission, accompanying Peoples' Republic of China guests, introduced and addressed senate ..... p. 552

**SCHRAM, DONNA**

- GA nomination as member, sentencing guidelines committee,  
 withdrawn ..... p. 355  
 Reappointed member, sentencing guidelines committee:  
 GA 93, confirmed ..... pp. 358, 2174, 2460

**SCHWARY, R. L. "DICK"**

- Member, board of trustees, Clark community college district 14:  
 GA 41, confirmed ..... pp. 145, 1380, 2174, 2502

**SCIENCE**

- Joint committee on science and technology extended: SCR 103

**SCOLIOSIS**

- Scoliosis screening, all in grades 5 through 10, except for religious beliefs or  
 redundancy: \*SB 4227, CH 216 (1985)

**SEARCH AND SEIZURE**

- Federal search and seizure law, adopt: SJR 119

**SEATTLE**

- First avenue south bridge construction, motor vehicle fuel tax: SB 3349  
 South Lake Union Naval Reserve base, transfer ownership: \*SHJM 16 (1985), SJM  
 117, SSJM 117  
 Zoos and aquarium financing, general obligation bonds: SB 3485, SSB 3485

**SEATTLE COMMUNITY COLLEGE DISTRICT 6, BOARD OF TRUSTEES**

- Helen G. Sutton, GA nomination as member, withdrawn ..... p. 133  
 Lee Pasquarella, member:  
 GA 31, confirmed ..... pp. 143, 1379, 2174, 2502  
 Phillip L. Burton, reappointed member:  
 GA 32, confirmed ..... pp. 143, 1765, 2082  
 Rhonda Hilyer, member:  
 GA 73, confirmed ..... pp. 305, 1381, 2174, 2504

**SECOND-HAND DEALERS**

- Recycling, selling, metal, food or beverage containers, record-keeping process  
 inapplicable: \*SSB 3015, CH 70 (1985)  
 Used books excluded from definition of second-hand property: SB 3015, \*SSB  
 3015, CH 70 (1985)  
 Used motor vehicles, sales regulated: SB 3381  
 Used motor vehicles, warranty: SB 3380  
 Warranty for used motor vehicles: SB 3380

**SECRETARY OF THE SENATE**

- Sid Snyder, nominated and elected ..... p. 6

**SECRETARY OF STATE (See ELECTIONS)**

- Certification of election ..... p. 10  
 Transmitting governor's proclamation  
 convening special session ..... p. 2645  
 Election duties transferred to elections and public disclosure commission: SB 3850  
 National history day contest, conduct in grades 6-12: SB 3843  
 Oral history advisory committee created: SB 3629  
 Oral history program: SB 3629  
 Presidential preference primary: SHB 433  
 Records committee to include OFM representative: SHB 612, \*SB 3818, CH 192  
 (1985)  
 Records management services, fee schedule to be set: SB 3575  
 Salary increase: SB 3266, SSB 3266  
 State seal, expanded use authorized: HB 151  
 Trade names, reregistration period extended: \*SB 3143, CH 88 (1985)

**SECURITY INTERESTS**

- Agriculture registry created: SB 3042
- Automobile insurance or surety bond required: SHB 227, SB 3052, SB 3306, SSB 3306
- Bail bond provisions revised, when surety is released: SB 4305, SSB 4305
- Banks, collateral requirements for crops growing or to be grown: SSB 3340
- Boats, certificates of title, class B is old system, A is new, perfected: \*HB 853, CH 258 (1985)
- Crop lien, fertilizer, pesticide, weedkiller person, priority: \*SHB 890, CH 412 (1985), SB 3340, SSB 3340
- Crops growing or to be grown, collateral of a bank, requirements: SSB 3340
- Farm labor contractors, agricultural employees, regulated: \*SHB 199, CH 280 (1985)
- Grain collateral, certain information required, notice: SB 4161
- Liens, common law, scope identified: SB 3453
- Liens, crop lien, fertilizer, pesticide, weedkiller person, priority: \*SHB 890, CH 412 (1985), SB 3340, SSB 3340
- Liens, memorandum of judgment procedure established: SB 3821
- Liens, prevailing wage, public works, priority lien: \*SHB 15, CH 80 (1985)
- Liens, processor and preparer, reestablishing procedures: \*SHB 890, CH 412 (1985), SSB 4420
- Livestock, security interests, statement filing procedure: \*SHB 890, CH 412 (1985)
- Mobile homes, repossession procedures for removal from trailer park revised: \*SHB 188, CH 78 (1985)
- Motor vehicle fuel tax, delinquency, tax warrant, lien: SB 3402
- Preparer lien, reestablishing procedure: \*SHB 890, CH 412 (1985), SSB 4420
- Processor liens, reestablishing procedures: \*SHB 890, CH 412 (1985); SSB 4420
- Seed liens, record as deed and conveyances: \*SB 3070, CH 44 (1985)

**SEGALL, M. HARVEY**

- GA nomination as trustee, Tacoma community college district 22, withdrawn . p. 134

**SELLAR, SENATOR GEORGE L.**

- Oath of office . . . . . p. 3
- Appointed member, financial institutions, rules and transportation committees . . . . . p. 15
- Remarks, order of amendments, HB 66 . . . . . p. 1245
- Point of order, scope and object, SHB 39 . . . . . p. 1421
- Parliamentary inquiry, 5 o'clock cutoff, ESHB 1182 . . . . . p. 1470
- Personal privilege, ESSB 3927 . . . . . p. 2491
- Appointed interim member, joint legislative ethics board and legislative transportation committee . . . . . p. 2636

**SENIOR CITIZENS (See also NURSING HOMES)**

- Absentee voters, ongoing authorized: \*SB 3854, CH 273 (1985)
- Abuse or neglect, report within 24 hours versus 7 days: SB 3238
- Accessory apartments permitted by municipalities: SB 4000
- Certificates of need, life-care retirement centers, exempt: SB 3874
- Fishing license for those over 70, study fee: \*SSB 4231, CH 464 (1985)
- Fishing license, free to senior citizens over 70, residency altered: SB 4231
- Fishing licenses, 50% fee reduction: HB 266
- Fishing opportunities of juveniles, handicapped, and senior citizens to be maximized: \*SB 3314, CH 438 (1985)
- Life-care retirement, certificate of need requirement, exempt: SB 3874
- Meals furnished to elderly, low-income, or handicapped, tax exempt: \*HB 183, CH 104 (1985)
- Medicaid, nursing home patients, no discrimination based on: SHB 246, SB 3262, \*SSB 3262, CH 284 (1985)

**SENIOR CITIZENS—cont.**

- Property tax relief, disposable income, medical and dental expenses: SB 3411
- Property tax relief, disposal income, exclude veterans' benefits: SB 3328
- Property tax relief limits modified: SB 3108
- Residential care facilities, regulated: SB 3229
- Respite care demonstration projects, continue: SB 3177, SSB 3177
- Self-medication techniques, allowed in boarding homes: SB 3904, \*SSB 3904, CH 297 (1985)
- Voting and registration facilitated: \*SHB 1153, CH 205 (1985)
- WSDOT authorized to receive federal funds: \*SB 3121, CH 20 (1985)

**SENTENCING**

- Alcoholism treatment, court referral, sworn stipulation of guilt: 2SHB 879
- Anticipatory offenses, sentencing determination on grid provided: 2SHB 348
- Bad checks, restitution within six months of sentencing: SB 3404
- Civil rights restoration, when: SB 4301
- Community supervision may be ordered along with prison term: SB 3389
- Conviction redefined: 2SHB 348
- Criminally insane, tracking system for those on conditional release: SB 3197
- DWI, community service of 48 hours as an alternative to 24 hour jail stay: SB 3417
- Exceptional sentences: 2SHB 348
- Good-time, work release, sentence reduced by 1/3rd: \*SB 4129, CH 198 (1985)
- Guidelines, statutory references corrected: 2SHB 348
- Juvenile disposition standards adopted: SCR 104
- Juvenile offenders disposition standards revised: SB 3087, \*SSB 3087, CH 73 (1985)
- Juveniles, diversion agreements, fines, collection and imposition authority continued: SB 3087, \*SSB 3087, CH 73 (1985)
- Juveniles, sealing order, when nullified: 2SHB 348
- Matrix score of 1 point, crime committed while under community supervision: SB 3389
- Misdemeanor offenses, sentencing guidelines commission to recommend ranges and standards: SHB 595
- Offender score modified: 2SHB 348
- Offenses, redefined, new categories defined: 2SHB 348
- Revisions to sentence setting: \*SHB 242, CH 443 (1985)
- Sex offenses, community supervision up to 2 years: 2SHB 348
- Sexual psychopaths, release, need superintendent's recommendation: 2SHB 348
- Statutory rape: 2SHB 348
- Victim defined: \*SHB 848, CH 346 (1985)
- Work release, authorized absences for program-related absences: \*SB 4129, CH 298 (1985)
- Work release, good-time, sentence reduced by 1/3rd: \*SB 4129, CH 298 (1985)
- Work-released earnings, collect for court-ordered victim compensation and restitution: \*SB 4129, CH 298 (1985)

**SENTENCING GUIDELINES COMMISSION**

Norm Maleng, GA nomination as member, withdrawn	p. 355
Reappointed member: GA 91, confirmed	pp. 358, 762, 2460
Judge Rosselle Pekelis, GA nomination as member, withdrawn	p. 355
Reappointed member: GA 92, confirmed	pp. 358, 762, 2460
Janet L. Rice, GA nomination as member, withdrawn	p. 355
Reappointed member: GA 90, confirmed	pp. 358, 849, 2459
Donna D. Schram, GA nomination as member, withdrawn	p. 355
Reappointed member: GA 93, confirmed	pp. 358, 2174, 2460

**SEQUIM IRRIGATION FESTIVAL ROYALTY**

Queen Lynn Griffith, introduced and addressed senate	p. 589
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**SERGEANT AT ARMS**

O. F. "Ole" Scarpelli, nominated and elected ..... p. 7

**SERVICE STATIONS**

Independent dealers, joint select committee to study: SCR 118

Refueling services for disabled drivers: SB 3027, \*SSB 3027, CH 309 (1985)

Refueling services for disabled drivers, complaint process: SB 3027, \*SSB 3027, CH 309 (1985)

**SEWERAGE IMPROVEMENT DISTRICTS**

Special purpose districts, creation, elections, operations, uniformity: \*SHB 150, CH 396 (1985)

**SEWERS AND SEWER DISTRICTS**

Annexation of a sewer or water system from county to district, powers: \*SHB 1232, CH 141 (1985)

Annexation of contiguous area, exclude certain public land: \*SHB 1232, CH 141 (1985)

Aquifers, sole-source, protection, county power accompanies water/sewer authority: SB 3428

Combined overflows, reduction planned: \*SHB 815, CH 249 (1985)

Commission compensation modified: \*SHB 23, CH 330 (1985)

Commissioner compensation may be waived by commissioner: \*SHB 23, CH 330 (1985)

Connection charges for city or town system, equitable share defined: SHB 24, \*SB 3765, CH 445 (1985)

Connection charges may be collected by a metropolitan municipal corporation: SB 4168

Connection costs, installment payments: SB 3387, \*SSB 3387, CH 250 (1985)

Consolidation of districts, vacancies filled to reduce positions to 3: \*SHB 1232, CH 141 (1985)

Electric generation is a by product of water systems owned by municipalities: \*SHB 846, CH 444 (1985), SB 4215

Ground water protection included in pollution protection powers: \*SHB 403, CH 98 (1985)

Installment payments, connection costs: SB 3387, \*SSB 3387, CH 250 (1985)

Pollution protection includes ground water: \*SHB 403, CH 98 (1985)

Secondary treatment, DOE may concur with waivers: SHB 796

Sewage treatment, combined sewerage overflows, reduction planned: \*SHB 815, CH 249 (1985)

Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

Small works roster, revised every year versus every 6 months: \*HB 250, CH 154 (1985)

Sole-source aquifer protection, county power accompanies water/sewer authority: SB 3428

Vacancies, county may make certain commissioner appointments: \*SHB 1232, CH 141 (1985)

Water pollution control facilities, financial assistance, general fund and bonds: 3SSB 3827

Water pollution control facilities for nonradioactive liquid wastes, bonds: SB 3827, SSB 3827

Water pollution control facilities, 1/2 of 1% for joint development and alternative financing: SSB 3827, 2SSB 3827

Water systems owned by municipalities, electric generation as a by product: \*SHB 846, CH 444 (1985), SB 4215

**SHAW, W. DAVID**

- GA nomination as trustee, Columbia Basin community college  
 district 19, withdrawn . . . . . p. 134  
 Reappointed member, board of trustees, Columbia Basin community  
 college district 19: GA 49, confirmed . . . . . pp. 146, 1767, 2085

**SHELTERS**

- Emergency shelter program for the homeless: SB 3774  
 Juveniles, custody by law, placement in crisis residential center, notify DSHS  
 within 24 hours: SSB 3979, SSB 4059  
 Juveniles, placement in crisis residential centers, inform of rights and services:  
 SSB 3979, SSB 4059  
 Juveniles, placement in crisis residential centers not to exceed 120 hours: SSB  
 3979  
 Street kids pilot project, multiservice centers: 2SHB 930

**SHERIFFS (See also LAW ENFORCEMENT)**

- Civil service, AA counties exempt: \*SHB 203, CH 429 (1985)  
 Job qualifications set: SB 3022

**SHERMAN, BETTY H.**

- GA nomination as member, Washington state housing finance  
 commission, withdrawn . . . . . p. 1248

**SHINPOCH, A. N. "BUD"**

- Director, department of revenue: GA 3, confirmed . . . . . pp. 56, 179, 192

**SHORELINE COMMUNITY COLLEGE DISTRICT 7, BOARD OF TRUSTEES**

- James E. Massart, GA nomination as member, withdrawn . . . . . p. 133  
 Reappointed member: GA 33, confirmed . . . . . pp. 144, 1766, 2082  
 Cherry A. McGee Banks, GA nomination as member, withdrawn . . . . . p. 133  
 Reappointed member: GA 34, confirmed . . . . . p. 144, 1766, 2083

**SIEDEL, HENRY R.**

- Reappointed member, board of trustees, Bellevue community  
 college district 8: GA 74, confirmed . . . . . pp. 305, 1768, 2086

**SIGNS**

- Advertising information panels, limits, procedures, eligibility: \*SSB 3500, CH 376  
 (1985)  
 Farm products, road sign requirements modified: SB 3945  
 Farm products, temporary signs, requirements: SHB 406, SB 3288, SB 3500, \*SSB  
 3500, CH 376 (1985)  
 Highway information panels, motels, allowed class revised: \*SHB 133, CH 142  
 (1985), SB 3130  
 Scenic highway system, advertising, farm products, tourism: SHB 406, SB 3288, SB  
 3500, \*SSB 3500, CH 376 (1985)  
 Scenic highway system, political signs, temporary and not within right of way:  
 SSB 3500  
 Tourist information council created, regulate signs on primary and scenic high-  
 ways: SB 3500  
 Tourist information panels, limits, procedures, eligibility: \*SSB 3500, CH 376 (1985)

**SKADAN, JANET**

- GA nomination as regent, University of Washington,  
 withdrawn . . . . . p. 133  
 Reappointed member, University of Washington regents:  
 GA 14, confirmed . . . . . pp. 140, 1764, 2062

**SKAGIT COUNTY**

- Northern State Hospital, reuse by Skagit county, study: \*SSB 3951, CH 241 (1985)

**SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT 4, BOARD OF TRUSTEES**

- W. Kelly Moldstad, GA nomination as member, withdrawn . . . . . p. 133  
 Reappointed member: GA 27, confirmed . . . . . pp. 142, 1765, 2082  
 Janet Finn, reappointed member:  
 GA 28, confirmed . . . . . pp. 143, 1765, 2082

**SKI AREAS**

- Avalanche control activities exempted from explosives law: \*HB 787, CH 191 (1985)  
 Fraudulent use of ski areas, penalties: \*HB 251, CH 129 (1985)

**SMALL CLAIMS COURT**

- Provisions revised, awards, continuances, hours: SB 3496

**SMALL, T. W., JR**

- Member, board of trustees, Wenatchee Valley community college  
 district 15: GA 43, confirmed . . . . . pp. 145, 1380, 2174, 2503

**SMALL WORKS ROSTER**

- Cities, public works, threshold raised: \*HB 576, CH 219 (1985), SB 3399  
 Colleges and universities, establishment, optional: \*SHB 166, CH 152 (1985)  
 Revision, roster revised every year versus every 6 months for sewer/water districts: \*HB 250, CH 154 (1985)

**SMILEY, JON D.**

- GA nomination as member, hospital commission, withdrawn . . . . . p. 355  
 Reappointed member, hospital commission:  
 GA 86, confirmed . . . . . pp. 357, 964, 1048

**SMITH, LYLE E.**

- Member, horse racing commission:  
 GA 111, confirmed . . . . . pp. 843, 1761, 2464

**SMITH, MARLENE**

- Member, juvenile dispositions standards commission:  
 GA 147, confirmed . . . . . pp. 1255, 1546, 2174, 2302

**SMITH, ORIN C.**

- Director, office of financial management:  
 GA 108, confirmed . . . . . pp. 421, 2464, 2465

**SMITH, ORPHALEE**

- GA nomination as trustee, Whatcom community college district 21, withdrawn p. 134

**SMITH, TERRY L.**

- GA nomination as trustee, Tacoma community college district 22, withdrawn . p. 134  
 Reappointed member, board of trustees, Tacoma community college  
 district 22: GA 55, confirmed . . . . . pp. 147, 1381, 2174, 2504

**SMOKING**

- Funds for cancer research and smoking effect on lungs and heart: SB 3269  
 Prohibited in public places, except designated areas: \*SHB 62, CH 236 (1985), SB 3039, SSB 3039, 2SSB 3039  
 Washington clean indoor air act: \*SHB 62, CH 236 (1985), SB 3039, SSB 3039, 2SSB 3039

**SNOHOMISH**

- Superior court judicial positions, additional created, mandatory arbitration program a condition: SB 3165, \*SSB 3165, CH 357 (1985)

**SNYDER, DR. MAX M.**

Appointed member, community college board of education:

GA 72, confirmed ..... pp. 305, 1025, 1096

**SNYDER, SID** (See also SECRETARY OF THE SENATE)

Nominated and elected secretary of the senate ..... p. 6

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF** (See also MEDICAL ASSISTANCE; PUBLIC ASSISTANCE)

Karen Rahm, reappointed as secretary: GA 60 ..... p. 120

Abuse of children and adult dependents, reporting duties: SHB 932, SB 3238, SSB 3238, 2SSB 3238

Alcohol awareness pilot program by DSHS directed at ages 15-25: SSB 3037

Alcohol awareness program authorized, public safety and education account: SB 3037

Alcoholics, drug addicts/abusers, evaluation used for drivers' licenses: \*SHB 163, CH 101 (1985), SB 3223

Assault by resident or patients, employee reimbursement: SB 3188, SSB 3188, 2SSB 3188

Birth certificate, \$10 fee to sexual abuse fund: SB 3244

Blind, school for, transfer DSHS powers to: SB 3797, \*SSB 3797, CH 378 (1985)

Board of health, relative powers: \*HB 610, CH 213 (1985)

Cancer registry program: SB 3447, SSB 3447

Certificate of need, acquisition of major medical equipment: SHB 397, SSB 3789

Certificate of need program, capital expenditures, exclude rural hospital swing-bed programs: SB 3478, SSB 3478

Certificate of need reviews, existing health care activity, certain included: SB 3789, SSB 3789

Child abuse and dependent adults, reports received by prosecutor, tabulate for DSHS: SHB 932, SSB 3238, 2SSB 3238

Child abuse, day care employees, screen employees: SHB 1134

Child abuse, dependency petition, basic rights to be advised: \*HB 492, CH 183 (1985)

Child support, enforcement by DSHS, revisions: \*HB 153, CH 276 (1985), SB 3482, SSB 3482

Child support, enforcement, DSHS procedures with other states: \*HB 153, CH 276 (1985), SB 3482, SSB 3482

Child support, location of children for parent with support duty, DSHS to find: SSB 3482

Child support, prosecutors to report to legislature on legislation's effectiveness: SSB 3482

Child support, wage assignment, employer responsibilities: \*HB 153, CH 276 (1985), SB 3482, SSB 3482

Child support, wage assignment has priority over other assignments: \*HB 153, CH 276 (1985), SB 3482, SSB 3482

Community clinic assistance program, DSHS annual grants, procedure: SB 3297

Criminally insane, tracking system for those on conditional release: SB 3197

Crisis residential centers, missing children, capacity impact: SB 3276, SSB 3276

Day care annual report by DSHS division of children and family services to legislature: 2SSB 3038

Day care center information regarding provider to be available to parents: 2SSB 3038

Day care center information, toll-free telephone number: SB 3038, SSB 3038

Day care inspections at least once during licensing period: 2SSB 3038

Day care, screen employees against child abuse: SHB 1134

Day cares to post telephone number of DSHS: 2SSB 3038

Deaf, school for, transfer DSHS powers to: SB 3797, \*SSB 3797, CH 378 (1985)

Deaf-blind service center established: SB 3539, SSB 3539

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.**

- Division of children and family services to report annually to legislature: 2SSB 3038
- Early childhood education, monitor private programs: SB 3518
- Early childhood education, office established in SPI: SB 3518, SSB 3518
- Early childhood education programs, office of early childhood education and DSHS, duties: SB 3518, SSB 3518
- Emergency residential heating assistance: SB 4332
- Environmental health programs of DSHS to DOE: SB 4308, SSB 4308
- Environmental health programs transferred from DSHS to DOE, report to legislature: SSB 4308
- Game department free licenses, DSHS to reimburse commission via treasurer: SB 4293
- Hanford, exposure to radiation, DSHS to study, pursue legal action if federal government refuses assistance: \*SSB 3799, CH 383 (1985)
- Health care education program by certain agencies: SB 4240
- Heating assistance, DSHS to grant funds to needy: SB 4332
- Home health care agencies are not health care facilities for certificate of need purposes: SHB 397, SSB 3789
- Hospices are not health care agencies for certificate of need purposes: SSB 3789
- Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)
- Institutional care employees, assault by resident or patient, reimbursement: SB 3188, SSB 3188, 2SSB 3188
- Institutional employees, early retirement: SB 3195
- Institutional impact account, reimbursement criteria modified: SB 3233
- Juvenile, alternative residential placement process, DSHS to develop plan: SSB 3979
- Juvenile diversion agreements, must reside in parents' home, alternative: SB 3362
- Juvenile facilities and services, screen employees for abuse: SHB 1134
- Juvenile placement facilities, unauthorized leave, notify parents and law: SSB 3979, SSB 4059
- Juvenile residential facilities, population limitations and early release revised: HB 109, \*SB 3176, CH 287 (1985)
- Juvenile sexual offenders who were victims, pilot program: SB 3499
- Juveniles, custody by law, must inform child and parents of rights: SSB 3979, SSB 4059
- Juveniles, custody by law, placement in crisis residential center, notify DSHS within 24 hours: SSB 3979, SSB 4059
- Juveniles, involuntary treatment and commitment procedure: SB 3099, \*SSB 3099, CH 354 (1985)
- Juveniles, out-of-home placement, disposition plan to set forth parental involvement: SSB 3979
- Juveniles, placement in crisis residential centers, inform of rights and services: SSB 3979, SSB 4059
- Juveniles, placement in crisis residential centers not to exceed 120 hours: SSB 3979
- Juveniles, preventative services to reduce out-of-home placement, DSHS office of prevention: SSB 3979
- Low-level waste at Hanford, DSHS to institute user permit system, etc.: \*SSB 3799, CH 383 (1985)
- Mental health for juveniles, DSHS to report: SB 3099, \*SSB 3099, CH 354 (1985)
- Mental health records, disclosure to persons in possible danger by patient: SB 3507, SSB 3507
- Mental health treatment, juveniles, financial responsibility: SB 3099, \*SSB 3099, CH 354 (1985)
- Mental health treatment procedures, juveniles: SB 3099, \*SSB 3099, CH 354 (1985)

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.**

- Migrant health centers, DSHS, annual grants: SB 3297  
 Missing children, crisis residential centers, capacity impact: SB 3276, SSB 3276  
 Missing children program, impact and cost on crisis centers, DSHS and state patrol to report: SB 3276, SSB 3276  
 Northern State Hospital, reuse by Skagit county, study: \*SSB 3951, CH 241 (1985)  
 Preschool, monitor private programs: SB 3518  
 Radiation control power of DSHS, radiological baseline, monitor emissions, epidemiological research: \*SSB 3799, CH 383 (1985)  
 Radiation control power, radiological baseline, monitor emissions, cancer data: SB 3799  
 Radiation monitoring by DSHS to verify accuracy of federal monitoring: \*2SHB 3, CH 372 (1985)  
 Radiation violations, authority to enter federal areas: \*2SHB 3, CH 372 (1985)  
 Reimbursement by recipients of department costs: \*2SHB 356, CH 245 (1985), SB 3508  
 Respite care demonstration projects, continue: SB 3177, SSB 3177  
 Runaways, persons sheltering, notice required: SB 3243, SSB 3243  
 Secure facilities, DSHS and corrections to review western and eastern state hospital: 2SHB 348  
 Service stations, refueling services for disabled drivers, complaint process: SB 3027  
 Sexual assault program, state coordination, biennial state-wide plan: HB 181, SB 3198, \*SSB 3198, CH 34 (1985)  
 Sexual psychopaths, release, need superintendent's recommendation: 2SHB 348  
 Shellfish, recreational and commercial areas, improve and protect: 2SHB 1068  
 Smoking, research funds for cancer and smoking effects: SB 3269  
 Street kids pilot project multiservice centers: 2SHB 930  
 Transfer DSHS environmental health programs to DOE: SB 4308, SSB 4308  
 Transfer DSHS powers and duties to blind and deaf schools: SB 3797, \*SSB 3797, CH 378 (1985)  
 Watersheds, agencies and municipalities responsible for, keep lands open for recreation: SB 3894, SSB 3894  
 Western and eastern state hospital, DSHS and corrections to review security: 2SHB 348

**SOCIAL WORKERS**

- Registration and certification of mental health professionals: SHB 470, SB 3901

**SOLAR**

- Electrical generating facilities, construction, tax break: SB 3545  
 Electrical generating facilities, SEPA exempt: SB 3545

**SOLID WASTE**

- Aquifer protection areas, county may create, formation, fees: \*SHB 1116, CH 425 (1985), SB 3872, SSB 3872  
 Contracts with private industry authorized: SB 3560  
 Energy savings or renewable energy systems, bonds available reduced: SB 3265, SSB 3265, 2SSB 3265  
 Facility construction, city bid procedure: SB 3372  
 Funding solid waste management programs, user fees: SHB 486  
 Marina facilities inspection account: SB 4287  
 Puget Sound, secondary wastewater treatment, DOE cannot waive: SB 3353  
 Put-or-pay contracts authorized: SB 3372  
 Reserve account required of facilities for eventual site closure: \*SHB 69, CH 436 (1985)  
 Sanitary pumpout facilities at marinas: SB 4287  
 Sanitary pumpout facilities, marinas, tax credit for installation: SB 4287  
 User fees to fund solid waste management programs: SHB 486

**SOLID WASTE—cont.**

- Water pollution control facilities, financial assistance, general fund and bonds: 3SSB 3827
- Water pollution control facilities for nonradioactive liquid wastes, bonds: SB 3827, SSB 3827
- Water pollution control facilities, 1/2 of 1% for joint development and alternative financing: SSB 3827, 2SSB 3827
- Water pollution control statutes, rules, orders, up to \$5000/day for violations: \*SB 3812, CH 316 (1985)

**SONNELAND, HOLLY FROST**

- GA nomination as trustee, Eastern Washington University, withdrawn ..... p. 133

**SOUTH AFRICA/NAMIBIA**

- African development bank, savings banks allowed to invest not more than 5%: \*SB 3225, CH 301 (1985)
- Bullion sales tax exempt except Krugerrands: SB 3315
- Investment of public pension or retirement funds prohibited: SB 3226
- Prohibits procurement of products by the state: SB 3227

**SOUTH PUGET SOUND COMMUNITY COLLEGE**

- Twenty-fourth community college district created: SB 3433

**SPAS**

- Recreational water contact facilities, slides, regulated: SB 3498, SSB 3498

**SPECIAL DISTRICTS**

- Audits may be performed by private CPAs: SB 3358
- Bonds, short-term obligations in anticipation of general, are not anticipation of taxes: \*SB 3826, CH 71 (1985)
- Capital improvements board established: SB 4147
- Compensation of members may be waived by member: \*SHB 23, CH 330 (1985)
- Compensation of members modified: \*SHB 23, CH 330 (1985)
- Creation, elections, and operations, uniform procedures: \*SHB 150, CH 396 (1985)
- Environmental coordination procedures act, special purpose districts included: SB 3351
- Lake management districts: \*SHB 606, CH 398 (1985)
- Library districts, annexation of city/town, liabilities of city/town pass to district: \*SSB 4386, CH 392 (1985)
- Powers of certain districts specified: SB 3313
- Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)
- Public works exemption removed: SB 3264
- Risk management office may contract for coverage: \*SB 3569, CH 188 (1985)
- Self-insurance by joint governmental entities expanded: SB 3332
- Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)

**SPEED LIMITS (See MOTOR VEHICLES)****SPELLMAN, JOHN (See also GOVERNOR)**

- Commutation of sentences ..... p. 13
- Addressed joint session ..... p. 24

**SPOKANE**

- Joint center for higher education, WSU and EWSU programs in Spokane: SHB 494, \*SSB 3376, CH 370 (1985)
- Spokane higher education consortium, engineering and technology, needs assessment: SB 3546

**SPOKANE—cont.**

Water pollution control facilities, financial assistance, general fund and bonds:  
3SSB 3827

Zoos and aquarium financing, general obligation bonds: SB 3485, SSB 3485

**SPOKANE COMMUNITY COLLEGE DISTRICT 17, BOARD OF TRUSTEES**

Max J. (Jeff) Kiney, III, GA nomination, withdrawn ..... 134

Dee McMillan, GA nomination as member, withdrawn ..... p. 134

Reappointed member: GA 47, confirmed ..... pp. 146, 1767, 2084

Dale Foster, member: GA 76, confirmed ..... pp. 306, 1381, 2174, 2505

**SPORTSMEN'S COMMISSION**

Created, archery, skeet, target practice, dog training, etc.: SB 3493

**STADIUM, CONVENTION, ART, ETC., FACILITIES**

Special excise tax, conditions of use: \*SSB 3723, CH 272 (1985)

Stadium restaurant facilities and special seating, tax proceeds may be used for:  
\*SSB 3723, CH 272 (1985)

**STATE ACTUARY**

Retirement legislation to have actuarial fiscal notes: SB 3758

**STATE AGENCIES (See also STATE AND PUBLIC EMPLOYEES)**

Affirmative action program to be maintained: SB 3346, \*SSB 3346, CH 365 (1985),  
SB 4149

Agents of state provide attorney general defense: SB 3113

Allocation of agencies among 25 agencies, excluding elected offices: SHJR 6

Architectural and engineering, bidding for services over \$5,000: SB 3767

Art in public buildings, competitive bidding: SB 3009

Audits may be performed by private CPAs: SB 3358

Automobiles, confidential plates, accountability enhanced: SB 3030

Bond ceiling lowered: SB 3053

Capital budget adopted: \*SSB 3654, CH 373 (1985)

Capital project proposals, submit to review committee by October 20th: SB 4320,  
SSB 4320

Capital projects, general obligation bonds: SSB 3679, 2SSB 3679

Capital projects, general obligation bonds, special session: HB 1328

Career executive program extended to 1989: \*HB 175, CH 118 (1985), SB 3366

Civil service exemptions of executive branch, from 175 to 250: SB 4245

Civil service exemptions of executive branch, increased from 175 to 187: \*SHB  
1080, CH 221 (1985)

Combining labor and industries department and employment security department:  
SB 4326

Competitive bidding for art in public buildings: SB 3009

Competitive sealed proposals: SHB 393, SB 3474

Conflict of interest restrictions: SB 3537

Consultants of certain agencies to comply with financial reporting requirements:  
SB 3107

Creation of new, criteria for establishing: SB 3820

Credit cards may be used for taxes, fees, fines, etc.: SB 3257

EFSEC duties transferred to DOE: SB 4441

Elected officials' salary increases: SB 3266, SSB 3266

Emergency expenditures, legislature may establish agency to control: SJR 101

Employee exchange program, government, nongovernment: SHB 2

Energy conservation savings returned to state agencies: SB 3487, SSB 3487

Environmental coordination procedures act, sales, leases, easements, etc., exclu-  
sion removed: SB 3351

Environmental health programs of DSHS to DOE: SB 4308, SSB 4308

Exchange program, government, nongovernment: SHB 2

Executive sessions, conditions revised: SB 3386, \*SSB 3386, CH 366 (1985)

**STATE AGENCIES—cont.**

- Fair competition review commission, examine private enterprise benefits: SB 3010  
 Financial advisors of certain agencies to comply with financial reporting requirements: SB 3107  
 Financial institutions department created: SB 3152, SSB 3152  
 Flex-time work schedules to be established: \*SHB 1195, CH 411 (1985)  
 General obligation bonds authorized for capital projects: SSB 3679, 2SSB 3679  
 General obligation bonds for capital projects, special session: \*HB 1328, CH 4 E1 (1985)  
 Gubernatorial appointments, if not rejected or confirmed 1 year term: SB 3628  
 Historic properties have preference of use by state agencies: SB 3282  
 Industrial insurance fund created, labor and industries industrial insurance division eliminated: SB 4137  
 Inventory of state-owned land, description of buildings required: SB 3083, SSB 3083  
 King, Martin Luther, state holiday observing birth: \*HB 222, CH 189 (1985), SB 4256  
 Legal advisors of certain agencies to comply with financial reporting requirements: SB 3107  
 Life-cycle cost analysis for public buildings: SB 3018  
 Minority and women's business enterprises office, terminating: SB 3299  
 Oral history program: SB 3629  
 Personal service contract guidelines, monitoring, and evaluation: SHB 317  
 Personal service contracts, open competition: SB 3256  
 Personnel department and higher education personnel board, consolidate: SB 3190  
 Presidents day, Lincoln and Washington's birthday celebrated on: \*HB 222, CH 189 (1985)  
 Public agency includes municipal and quasi-municipal corporations, and special purpose districts: \*SB 3312, CH 33 (1985)  
 Public buildings, competitive bidding for 1% for art: SB 3009  
 Public records, copying fee to be established: SB 3011  
 Public records to be 8 1/2 x 11 or smaller: SB 4248  
 Puget Sound institute established: SHB 506, SB 4220  
 Purchases, services from the private sector: SB 3754  
 Record disclosure for research reasons, procedure: \*HB 357, CH 334 (1985), SB 3437  
 Regulatory fairness act, enforcing: SB 3414, SSB 3414  
 Reorganization of state government: SJR 118  
 Reorganization of state government, allocate among 25 agencies: SHJR 6  
 Reorganization of state government, procedures: SB 3806  
 Salary increases of elected officials: SB 3266  
 Salary surveys, comprehensive, to be completed by September 30th yearly: SB 3180, \*SSB 3180, CH 94 (1985)  
 SEIB, self-funding, self-insuring, etc., authorized: SB 3187  
 Shared work compensation program, conditions revised: \*SB 3406, CH 43 (1985)  
 South African or Namibian products shall not be purchased: SB 3227  
 State employment limited: SJR 129  
 Sunset, basic health care plan board: SSB 3320  
 Sunset, community economic revitalization board, extend 1 year: \*SHB 461, CH 446 (1985), SB 3861  
 Sunset extended, centennial commission: \*SHB 622, CH 268 (1985), SB 3217  
 Sunset, human rights commission: \*SHB 52, CH 185 (1985)  
 Sunset provisions, IMPACT center: \*SHB 1063, CH 39 (1985), SSB 4214  
 Sunset provisions, international trade assistance center: SHB 1061, SSB 4213  
 Sunset provisions, legislative committee on economic development: SSB 4211  
 Sunset review, LBC to review venipuncture by naturopaths: SHB 469  
 Sunset review, noxious weed control program: SB 3234

**STATE AGENCIES—cont.**

- Sunset, risk management office: \*SB 3569, CH 188 (1985)
- Sunset, state board of health: \*HB 610, CH 213 (1985)
- Sunset termination, creative thought and development coordinator: SSB 3421
- Sunset termination of many entities modified: HB 856
- Timber, sustained-yield basis, deficit harvesting: SB 3335
- Timber to be sold on a sustained-yield basis: SB 3335
- Unanticipated receipts, budget approval process modified: SB 3017, SSB 3017
- Volunteers of state, AG to provide defense, claims, etc.: \*SHB 124, CH 217 (1985)

**STATE AND PUBLIC EMPLOYEES**

- Agents of state provide attorney general defense: SB 3113
- Annual leave cash out modified: SB 3179, \*SSB 3179, CH 292 (1985)
- Benefit formula modifications require 60% vote: SB 3562, SJR 110
- Career executive program extended to 1989: \*HB 175, CH 118 (1985), SB 3366
- Cash-out ratio for sick leave increased: SB 3181
- Civil service, centennial partnership commission exempt: SSB 4100
- Civil service, definition of veteran modified: SB 3183
- Civil service exemptions of executive branch, from 175 to 250: SB 4245
- Civil service exemptions of executive branch, increased from 175 to 187: \*SHB 1080, CH 221 (1985)
- Civil service, law enforcement, AA counties exempt: \*SHB 203, CH 429 (1985)
- Civil service, sheriff minimum job qualifications: SB 3022
- Civil service, WSDOT, certain positions exempt: \*SHB 86, CH 178 (1985), SB 3216
- Collective bargaining redefined: SB 3552
- Conflict of interest restrictions: SB 3537
- Employee exchange program, government, nongovernment: SHB 2
- Employee recognition awards authorized to be given by agencies: \*SHB 220, CH 114 (1985)
- Employee suggestion program, 10% of net savings: \*SHB 220, CH 114 (1985)
- Exchange program, government, nongovernment: SHB 2
- Flex-time work schedules to be established: \*SHB 1195, CH 411 (1985)
- Health insurance, retired or disabled employees, participation continued: SHB 61
- Housing for certain employees, safe, clean, healthful, energy efficient, landlord procedures established: SB 3184, \*SSB 3184, CH 463 (1985)
- Incentive pay program, civil service exempt employees are ineligible: \*SHB 220, CH 114 (1985)
- Incentive pay program, unit to demonstrate at lower cost initially: \*SHB 220, CH 114 (1985)
- Lay off of classified employees, criteria, repeal: \*HB 116, CH 461 (1985)
- Lay off, reemployment, repeal based on merit: \*HB 116, CH 461 (1985)
- Lie detector use clarified in employment: SB 4302
- Management and direct service employees, ratio to be maintained: SB 3191
- Management employee, repeal, merit increases, performance evaluations applicable: \*HB 116, CH 461 (1985)
- Mobility between personnel systems: \*HB 116, CH 461 (1985), SB 3191
- Moving expenses of certain employees paid: SB 4217
- Nonmanagement, merit increases in salary, repeal: \*HB 116, CH 461 (1985)
- Occupational disease, retirement in instances of total disability: SB 3193
- Official misconduct, discrimination against reportee prohibited: SB 3811
- Payroll deductions for political committees of employees: \*SB 3189, CH 271 (1985)
- Payroll deductions, public television: SB 3603
- Performance evaluation, standardized, apply to both classified and exempt: \*HB 116, CH 461 (1985), SB 3191
- Personnel department and higher education personnel board, consolidate: SB 3190
- Personnel files, employees may inspect for irrelevant or erroneous information: \*SHB 358, CH 336 (1985)

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- Productivity board, administrative expenses, modification: \*SHB 220, CH 114 (1985)
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- Salary increases of elected officials: SB 3266
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- Records, privacy, who may receive confidential records, expanded: \*SHB 1003, CH 414 (1985)
- Reform: SB 4219, SJR 106
- Revenue department may charge off taxes owed or penalties: \*SHB 1003, CH 414 (1985)
- School district levies, maintenance and operation, modified for classified or designated forest land: HB 20
- Shellfish protection districts: \*SHB 814, CH 417 (1985)
- Successor defined: SB 3888
- Taxpayer information, exempt from public inspection and copying: SB 3884
- Tire recycling: \*SHB 804, CH 345 (1985), SB 3863
- Warehouses removed from public service definition for public utility tax: SB 4233

**TAXES - INCOME**

- Federal returns, revenue department cannot obtain: SB 3006
- Reform: SB 4219, SJR 106

**TAXES - NONRESIDENTS**

- County tax on nonresidents employed in state repealed: \*HB 132, CH 179 (1985)
- Motor vehicles or trailers, use tax exemptions: SB 3007, \*SSB 3007, CH 353 (1985)

**TAXES - PERSONAL PROPERTY**

- Appeal of valuation to the board of equalization: SB 3423
- Destruction, replacement, valuation procedure: \*HB 808, CH 220 (1985)
- Distrain papers, when they may be prepared: \*HB 149, CH 83 (1985), SB 3289
- Exempt status list, quarterly payments of amount due: SB 3102
- Interest, penalties, monthly payments authorized: SB 3301
- Mobile homes, used, tax on successive transfers eliminated: SB 4249
- Motor vehicles or trailers, nonresidents, exemptions: SB 3007, \*SSB 3007, CH 353 (1985)
- Personal property statement list, month extension: SB 3423
- Prototypes, valuation, when made: SB 3862
- Valuation appeals to board of equalization: SB 3423
- Valuation at 100%: SB 3887

**TAXES – REAL PROPERTY**

- Appeal of valuation to the board of equalization: SB 3423
- Building permits to contain county assessor parcel number: \*SB 3202, CH 318 (1985)
- Businesses, new, distressed areas, tax exemptions: SB 4154
- Church property, 5 acre exemption limit removed: SB 4246
- Cities, newly incorporated, tax limit authorized initially: SB 3463
- Commercial buildings, newly constructed, tax deferrals for 3 years: SB 3860
- Community colleges, taxes and bonds for capital purposes: SB 4133
- Conveyance tax collection by county treasurer: SB 3883
- Credit card payment may be used: SB 3102, SB 3301
- Current use valuation of low-income housing: SJR 128
- Deferrals for newly constructed commercial property: SB 3860
- Deferrals, need insurance on state's interest in equity: SB 3887
- Emergency medical care and services, voter approved property levy: SB 3857
- Emergency medical services, levies by taxing districts to make up difference in county tax: \*SHB 1269, CH 348 (1985)
- Exempt status list, quarterly payments of amount due: SB 3102
- Exemptions, public assistance recipients: SB 3019
- Fire protection levies, may levy where townships have never been formed: \*SHB 189, CH 112 (1985)
- Game land, in-lieu of taxes, county authority removed: SB 3563
- Historic properties, tax classification, procedures: SB 3283, \*SSB 3283, CH 449 (1985)
- Increases, temporary voter-approved above 106% authorized: SB 3766
- Interest, penalties, monthly payments authorized: SB 3301
- Leasehold excise tax, contract rent redefined, doesn't include insurance: SB 3574, SSB 3574
- Leasehold excise tax, credit computation modified: SB 3574, SSB 3574
- Low-income housing, current use assessment: SJR 128
- Low-income housing, multiple-unit buildings, current use assessment: SB 4264
- Military installations, historic, tax exempt: SB 3878
- New businesses, tax exemption for activity in distressed areas: SB 4154
- Open space, public benefit system for approving classification: \*SHB 91, CH 393 (1985), SB 3115
- Open space, transfers to nonprofit organizations, exempt from tax recapture: \*SB 3420, CH 319 (1985)
- Property tax relief extended to American veterans, 50% disabled: SB 4223
- Public assistance recipients, exemption: SB 3019
- Public improvements, indebtedness, tax levies on benefit property: SJR 105
- Public improvements, taxing districts authorized: \*HJR 23 (1985)
- Quarterly payments provided for: SB 3102
- Reduce, 106%: SB 3899
- Reform: SB 4219, SJR 106
- Schools, real property tax increase as relief from excess levy limitation: SB 3615
- Senior citizen tax relief, disposable income, medical and dental expenses: SB 3411
- Senior citizen tax relief, disposal income, exclude veterans' benefits: SB 3328
- Senior citizen tax relief limits modified: SB 3108
- Tax sale, notice of assessed value and taxes owing: SB 3586
- Valuation appeals to board of equalization: SB 3423
- Valuation dispute, extension of taxes on tax roll, use noncontroversial portion: SB 3308

**TAXES – SALES AND USE**

- Advertised price may include sales tax: \*HB 601, CH 38 (1985), SB 3275, SSB 3275
- Advertised price, selling price, to be distinguished: \*HB 601, CH 38 (1985)
- Amusement and recreational activity, sales and use tax inapplicable: SB 3505

**TAXES - SALES AND USE—cont.**

- Basic health care funded by tax on cigarettes: SB 3320, SSB 3320  
 Building construction, goods and services used are tax exempt: SB 3561  
 Bullion exempted, except Krugerrands: SB 3315  
 Businesses, new, sales tax exempt in distressed areas: SB 4154  
 Cigarettes, additional tax: HB 600  
 Clarifying after Bond v. Burrows: \*SB 3551, CH 32 (1985)  
 Contraceptives exempted from sales and use: SB 3844  
 Deferral for investment projects, buildings and machinery: \*SHB 1079, CH 232 (1985), SB 4244  
 Deferral for investment projects for persons currently not in state: \*HB 1326, CH 2 E1 (1985)  
 Deferral for investment projects in distressed areas for job creations: \*SHB 1079, CH 232 (1985)  
 Donations to nonprofit teaching or research institutions, use tax exempt: SB 3864  
 Drug apparatus, except eyeglasses, tax exempt: SB 3429  
 Drug apparatus tax exempt: SB 3429  
 Economic development target areas, investment sales tax deferral: SB 4244  
 Erotic materials, tax on adult only items to fund child abuse programs: SB 4162  
 Farm machinery, sales and use tax exempt: SB 3543  
 Federal heavy vehicle use tax for state vehicle registration: \*HB 398, CH 79 (1985)  
 Fire fighting equipment, tax exempt: SB 3285  
 Fish farming exempted from excise taxation: \*HB 99, CH 148 (1985), SB 3149  
 Game funding provided by an additional tax on sales: SSB 4039  
 Gold and precious metals, sales and use tax exemption: \*SSB 4228, CH 471 (1985)  
 Gold and precious metals taxed as an investment transaction, not a sale: \*SSB 4228, CH 471 (1985)  
 Hearing aids, exempt: SB 3585  
 Investment projects in distressed areas, job creation, sales tax deferral: \*SHB 1079, CH 232 (1985)  
 Investment projects, new manufacturing buildings or major improvements, sales tax deferral: SB 4204  
 Investment projects, tax deferral for persons currently not in state: \*HB 1326, CH 2 E1 (1985)  
 Junk food taxed, educational programs for gifted students: SB 4283  
 Local taxes, monthly distribution to local entities: SB 3604  
 Meals furnished to elderly, low-income, or handicapped, tax exempt: \*HB 183, CH 104 (1985)  
 Mobile homes, used, tax on successive transfers eliminated: SB 4249  
 Motor vehicles or trailers, nonresidents exempt: SB 3007, \*SSB 3007, CH 353 (1985)  
 New businesses in distressed areas, tax exemptions: SB 4154  
 New businesses, investment projects, persons currently not in state, tax deferral: HB 1326  
 Nonresident business in state, value of article used redefined: \*SB 3008, CH 222 (1985)  
 Out-of-state transport immediately, tax exempt: SB 3218  
 Prototypes, valuation, when made: SB 3862  
 Public works projects funded by an additional tax: SB 3798, SSB 3798, \*SSB 4228, CH 471 (1985)  
 Public works projects funded by, board created: SB 3798  
 Reform: SB 4219, SJR 106  
 Solar-powered electrical generating facilities, construction, tax break: SB 3545  
 Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875  
 Trade in property of like kind exempt: \*HB 1000, CH 132 (1985), SB 3885  
 Value of the article used redefined for nonresident business: \*SB 3008, CH 222 (1985)

**TAXES - TIMBER**

- Community colleges, capital projects, harvested on public land: SB 4230
- Distribution, 1/2 at first quarter, 1/2 at third quarter: \*HB 914, CH 184 (1985)
- Forest reserve fund distribution, 50% schools, 50% county roads: SB 3145, \*SSB 3145, CH 311 (1985)
- Open space classification, transfer to, from forest land, compensating tax, delay: SB 4315, SSB 4315
- Rate restored to 6.5% until 1992: SB 3258
- School maintenance and operations levies, modified, classified or designated land: HB 20

**TAXICAB OPERATORS**

- Industrial insurance exemption for independents: SSB 3981

**TAYLOR, STAN**

- Member, juvenile disposition standards board:  
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**TECHNOLOGY**

- B & O tax deduction for high-technology development costs: SB 3858
- Community colleges, high technology educational programs: SB 3610
- Economic development coordinating council: SB 3614
- Educational process, task force on new technologies: SB 3514
- Exchange, establishing a Washington technology exchange: \*HB 943, CH 269 (1985)
- High-technology coordinating board, develop education and training needs: SB 3630, \*SSB 3630, CH 381 (1985)
- High-technology coordinating board, membership and duties changed: SB 3630, \*SSB 3630, CH 381 (1985)
- Human intellect, office for the enhancement of, created: SB 3421
- Joint center for education, WSU, Clark College, Lower Columbia College, TESC, technology: \*SHB 1190, CH 408 (1985)
- Joint committee on science and technology extended: SCR 103
- Maritime technology program, western interstate compact authorized: SB 3558, SSB 3558
- Market development state's role defined: SB 4120
- Research and development, tax rate modified: SB 4309
- Seed capital defined: \*HB 943, CH 269 (1985)
- Start-up businesses, expansions, sales tax exempt for certain purchases: SB 3875
- State's role in market development for products and technology: SB 4120
- Task force on new technologies, educational process: SB 3514
- Technology exchange created, technology transfer: \*HB 943, CH 269 (1985)

**TELECOMMUNICATIONS**

- Automatic dialing and announcing devices prohibited: HB 134
- Cable television services, theft: \*SHB 550, CH 430 (1985)
- Companies to register: SB 3305, \*SSB 3305, CH 450 (1985)
- Competitive communications company classification created: SB 3305, \*SSB 3305, CH 450 (1985)
- Joint committee on regulation extended: HCR 7, \*SCR 101 (1985)
- LATA, local access transport area, related definitions created: SB 3305, \*SSB 3305, CH 450 (1985)
- Radio communication services, limited state regulation: \*HB 281, CH 167 (1985), SB 3370, SSB 3370
- Theft of cable television services: \*SHB 550, CH 430 (1985)

**TELEPHONES (See also TOLL-FREE TELEPHONES)**

- Automatic dialing and announcing devices prohibited: HB 134
- Barricade situations, telecommunications may be intercepted: \*SHB 36, CH 260 (1985)

**TELEPHONES—cont.**

- Basic voice grade telephone service protected: SB 4150, SSB 4150
- Charitable solicitations via telephone, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)
- Competitive communications company classification created: SB 3305, \*SSB 3305, CH 450 (1985)
- Consumer advocate office on utilities and transportation: SB 3281
- Consumers' counsel office established in the AG's office: SB 4173
- Consumers' utility board established: SB 4173
- Excavations, notice given prior to, farming exception: SB 3044
- Harassment, penalties modified: SB 3012, \*SSB 3012, CH 288 (1985)
- Hostages, telecommunications may be intercepted: \*SHB 36, CH 260 (1985)
- Interception of employee communications, unlawful unless conditions met: SB 4109, SSB 4109
- Joint committee on telecommunications regulation extended: HCR 7, \*SCR 101 (1985)
- LATA, local access transport area, related definitions created: SB 3305, \*SSB 3305, CH 450 (1985)
- Mandatory local measured telephone service prohibited: SB 3033
- Mandatory local measured telephone service, restricted, conditions: \*SHB 717, CH 206 (1985), SB 3431, SSB 3431
- Telecommunications companies to register with WUTC: SB 3305, \*SSB 3305, CH 450 (1985)
- Telephone solicitation, WUTC to study and report to legislature: \*SHB 460, CH 121 (1985)
- Underground utilities, notice prior to excavating, farming exception: SB 3044

**TELEVISION (See also PUBLIC BROADCASTING SYSTEM)**

- Beer and wine advertising on TV and radio prohibited: SB 4276
- Cable television services, theft: \*SHB 550, CH 430 (1985)
- FM, television reception improvement district may transmit: \*HB 12, CH 76 (1985)
- Public television, state employees may make payroll deductions: SB 3603
- Reception improvement district may transmit FM radio: \*HB 12, CH 76 (1985)
- Theft, cable television services: \*SHB 550, CH 430 (1985)

**TELLEVIK, GEORGE B.**

- Chief of the Washington state patrol:  
GA 6, confirmed ..... pp. 57, 179, 197

**TEUTSCH, DELORES**

- GA nomination as member, higher education facilities  
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- Reappointed member, higher education facilities authority:  
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**THE EVERGREEN STATE COLLEGE**

- Richard Page, member, board of trustees:  
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- Board of regents actions to be published in newspapers: SB 3544, SSB 3544
- Fees reset: SSB 3712
- Joint center for education, WSU, Clark College, Lower Columbia College, TESC,  
technology: \*SHB 1190, CH 408 (1985)
- Nursing degrees, granting of, repealed: \*HB 331, CH 218 (1985)
- Salary increases for administrators, limited by state operating appropriation act:  
SSB 3056
- Salary increases, not to exceed average faculty increase: SB 3056
- Trustee membership increased: \*HB 293, CH 137 (1985), SB 3133

**THOMAS, JACOB E.**

State historic preservation officer:

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**THOMPSON, RICHARD J.**

Director, department of community development:

GA 2, confirmed ..... pp. 56, 375, 429, 436, 460, 948

**THOMPSON, SENATOR ALAN**

Oath of office ..... p. 3

Nominated Sid Snyder, secretary of the senate ..... p. 5

Appointed member, governmental operations, judiciary and ways  
and means committees ..... p. 15

Remarks, GA nomination withdrawals ..... p. 1249

Appointed interim member of joint legislative ethics board and LEAP  
committee ..... p. 2636**THURSTON COUNTY**Nisqually river system, management program required: \*SHB 323, CH 244 (1985),  
SB 3472, SSB 3472**TIRES**

Metal studded tires prohibited: SB 3117

Tire recycling: \*SHB 804, CH 345 (1985), SB 3863

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Administrative procedure act: SB 4013

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Antitrust and unfair and deceptive business and trade practices: SB 4339

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Banks and bank holding companies: SB 4005

Banks and bank holding companies: SB 4087

Banks and bank holding companies: SB 4432

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Capital budget: SB 3655  
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Centennial commission: SB 4069  
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Centennial commission: SB 4372  
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- Freeway traffic flow, passing lane created: HB 507
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- Declaratory judgment provisions reenacted: \*SB 3075, CH 9 (1985)
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- Fiduciary, provisions reenacted: \*SB 3072, CH 30 (1985)
- Filing fee, \$2, nonjudicial resolution of certain provisions: \*SB 3076, CH 24 (1985)
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- Trust act of 1984, joint tenancy provisions reenacted: \*SB 3077, CH 10 (1985)
- Trust act of 1984, partnership provisions modified: \*SB 3074, CH 8 (1985)
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- Economic development target areas, investment sales tax deferral: SB 4244
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- Forest products, center for international trade: \*SHB 837, CH 122 (1985), SB 3814, SSB 3814
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- Institute of child development research and service repealed: \*HB 331, CH 218 (1985)
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- Small business development center advisory board created: SB 3813
- Thomas Burke memorial museum, termination repealed: \*SB 4169, CH 29 (1985)
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- Automatic dialing and announcing devices prohibited: HB 134
- Charitable solicitations via telephone, WUTC to study and report to legislature: SHB 460
- Commission membership increased by two: SB 3046
- Competitive communications company classification created: SB 3305, \*SSB 3305, CH 450 (1985)
- Consumer advocate office on utilities and transportation: SB 3281
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- Low-income, blind, veterans, disabled, rate relief, adopt rules: SSB 3221
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- Child support has priority over other assignments: \*HB 153, CH 276 (1985), SB 3482, SSB 3482
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- Child support, wage assignment, employer responsibilities: \*HB 153, CH 276 (1985), SB 3482, SSB 3482

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- Minimum wage, certificate allowing less than, handicap provision, blind not sole reason: SB 3600
- Nursing home employees, wage enhancement: SSB 3219
- Nursing home employees, wage parity: SB 3219

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- Reappointed member: GA 51, confirmed ..... pp. 147, 1768, 2085
- Jean H. Adams, GA nomination as member, withdrawn ..... p. 134
- Reappointed member: GA 50, confirmed ..... pp. 146, 1768, 2085
- William A. Grant, reappointed member:  
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- B & O tax, storage warehouses: SB 4233
- Public utility tax, warehouses removed from public service business definition: SB 4233
- Storage warehouses, B & O tax: SB 4233

**WARKE, SENATOR FRANK J.**

- Appointed member, commerce and labor, education, ways  
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- Point of order, scope and object, HB 402 (amendment  
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- Robert "Mac" Crowe, member, board of regents:  
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- Edwin J. McWilliams, reappointed member, board of regents:  
GA 15, confirmed . . . . . pp. 140, 2113, 2180
- Belinda K. Pearson, member, board of regent:  
GA 69, confirmed . . . . . pp. 304, 1175, 2181
- Agricultural market research advisory committee to IMPACT center created: SB 4130
- Alcoholism and drug abuse research by UW and WSU: SB 4221
- Board of regents actions to be published in newspapers: SB 3544, SSB 3544
- Board of regents increased: \*SB 3322, CH 61 (1985)
- Electrical research experiment station, repealed: \*HB 331, CH 218 (1985)
- Fees reset: SSB 3712
- IMPACT, agricultural market research advisory committee: SB 4130
- IMPACT center for agriculture made permanent: \*SHB 1063, CH 39 (1985), SB 4130, SB 4214, SSB 4214
- IMPACT center, primary function, marketing solutions, international marketing: \*SHB 1063, CH 39 (1985)
- IMPACT center to assist in teaching and training of specialists in international trade: SB 4214
- IMPACT center to provide high-quality research, education and nondegree training in international trade: \*SHB 1063, CH 39 (1985), SSB 4214
- IMPACT center to report on success of obtaining nonstate funding: \*SHB 1063, CH 39 (1985), SB 4214, SSB 4214
- Joint center for education, WSU, Clark College, Lower Columbia College, TESC, technology: \*SHB 1190, CH 408 (1985)
- Joint center for higher education, WSU and EWSU programs in Spokane: SHB 494, \*SSB 3376, CH 370 (1985)
- Majors, many eliminated: \*HB 331, CH 218 (1985)
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Salary increases, not to exceed average faculty increase: SB 3056
- School districts, joint operation, WSU to provide technical assistance: \*SSB 3350, CH 58 (1985)
- Small business and development center, emphasis high unemployment areas: SB 4291
- Small business and development center, work with other educational institutions: SB 3813
- Small business assistance centers established, community colleges: SB 3609
- Small business development center advisory board created: SB 3813
- Small business development center may contract with community colleges: SB 3813
- Spokane higher education consortium, engineering and technology, needs assessment: SB 3546
- Toxicological laboratory funding modified: SB 4221

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- Acid rain, DOE to continue monitoring, critical levels to be established: \*SHB 974, CH 456 (1985)
- Agricultural water supply facilities, bonds authorized: SB 4156
- Agricultural water supply projects, recreation and wildlife included, bonds authorized: SB 4136, SSB 4136, 2SSB 4136
- Aquifer protection areas, county may create, formation, etc.: \*SHB 1116, CH 425 (1985), SB 3872, SSB 3872

**WATER—cont.**

- Aquifer protection areas, fund protection, preservation, rehabilitation: \*SHB 1116, CH 425 (1985), SB 3872, SSB 3872
- Aquifer protection, municipal waste water disposal and management facilities, bond reduction: 2SSB 3265
- Aquifer protection, remedies: HB 22
- Aquifer-ground water benefit protection areas: SB 3470
- Aquifers, identify areas, subareas, zones, administrative control: SB 4199
- Aquifers, sole-source, protection, county power accompanies water/sewer authority: SB 3428
- Aquifers, sole-source, protection program, county may impose charge: SB 3428
- Artificial diversion of surface water on another's land, compensation for injuries: SB 3815
- Bonds authorized for water supply projects, agricultural, recreational, wildlife: SB 4136, SSB 4136, 2SSB 4136
- Buoy maintenance funds from vessel excise tax: SB 3583
- Clean water act, federal, DOE powers revised: SB 3353
- Connection charges may be collected by a metropolitan municipal corporation: SB 4168
- Conservation commission, matching grant program for conservation districts: SB 3379, SSB 3379
- Consumptive use permits not issued until minimum flows set: SB 3311
- Enforcement actions on water quality, report to legislature: SHB 796
- Flood plain management, DOE to adopt rules: \*SHB 380, CH 454 (1985)
- Ground water, areas, sub areas, zones, identify for administrative control: SB 4199
- Ground water contamination, civil action authorized by injured parties: SB 4440
- Ground water management advisory committee: \*SHB 232, CH 453 (1985), SB 4200
- Ground water management plan procedures, zones and depths identified: \*SHB 232, CH 453 (1985), SB 4200
- Ground water protection included in sewer district pollution protection authority: \*SHB 403, CH 98 (1985)
- Ground water rights, protection remedies: HB 22
- Hazardous substance information and education office: \*SHB 865, CH 410 (1985)
- Hazardous waste sites, federal funds requested for clean up: SJM 107
- Hydraulic projects, authority transferred to ecology department: SB 3253
- Hydraulic projects, study committee formed: \*SHB 223, CH 123 (1985)
- Lake management districts: \*SHB 606, CH 398 (1985)
- Lake Osoyoos, joint venture with British Columbia, outflow and level: \*SB 3576, CH 27 (1985)
- Level or flow changes in public waters, notice requirements: \*SB 3298, CH 196 (1985)
- Marina facilities inspection account: SB 4287
- Maritime technology program, western interstate compact authorized: SB 3558, SSB 3558
- Matching grant program for conservation districts: SB 3379, SSB 3379
- Multi-aquifer protection, permit granting: HB 22
- Penalties for violations of water pollution control statutes, rules, or orders, up to \$5000/day: \*SB 3812, CH 316 (1985)
- Prior appropriation, revisions to remedies: HB 22
- Puget Sound, industrial wastewater, pretreatment, review and revise: \*SHB 815, CH 249 (1985)
- Puget Sound, secondary wastewater treatment, DOE cannot waive: SB 3353
- Puget Sound water quality authority created, prepare a plan, other duties specified: SB 3828, SSB 3828, \*2SSB 3828, CH 451 (1985)
- Puget Sound water quality enforcement actions, report to legislature: SHB 796
- Recreational water contact facilities, slides, regulated: SB 3498, SSB 3498

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- Sanitary pumpout facilities at marinas: SB 4287
- Secondary treatment, DOE may concur with waivers: SHB 796
- Sewer districts, pollution protection authority includes ground water: \*SHB 403, CH 98 (1985)
- Sewers, protect aquifer, county authority: SB 3428
- Sole-source aquifer protection, county power accompanies water/sewer authority: SB 3428
- Sole-source aquifers, protection program, county may impose charge: SB 3428
- Supply projects, bonds authorized, agricultural, recreational, wildlife: SB 4136, SSB 4136, 2SSB 4136
- Surface water, artificial diversion onto another's land, compensation for injuries: SB 3815
- Vacating of county roads, proximity to salt water: SB 3356
- Violations, measurable reduction in water quality: SHB 796
- Violations or substantial potential to violate: SHB 796
- Violations, penalty setting revised: SHB 796
- Waste water treatment commission established: SB 4297
- Water company redefined for WUTC jurisdiction, gross revenue threshold modified: \*SHB 303, CH 161 (1985), SB 3480
- Water heater temperatures, apartments with central systems exempt: \*HB 34, CH 119 (1985), SB 3206
- Water pollution control activity, DOE to report and receive public comment: \*SB 3812, CH 316 (1985)
- Water pollution control facilities, financial assistance, general fund and bonds: 3SSB 3827
- Water pollution control facilities for nonradioactive liquid wastes, bonds: SB 3827, SSB 3827
- Water pollution control facilities, 1/2 of 1% for joint development and alternative financing: SSB 3827, 2SSB 3827
- Water rights, spouses or family groups considered one defendant for filing and fees: SB 3021
- Watersheds, agencies and municipalities responsible for, keep lands open for recreation: SB 3894, SSB 3894
- Yakima water adjudication, certification period reopened: \*SSB 4424, CH 435 (1985)

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- Annexation of a sewer or water system from county to district, powers: \*SHB 1232, CH 141 (1985)
- Annexation of contiguous area, exclude certain public land: \*SHB 1232, CH 141 (1985)
- Commission compensation modified: \*SHB 23, CH 330 (1985)
- Commissioner compensation may be waived by commissioner: \*SHB 23, CH 330 (1985)
- Connection charges for city or town system, equitable share defined: SHB 24, \*SB 3765, CH 445 (1985)
- Consolidation of districts, vacancies filled to reduce positions to 3: \*SHB 1232, CH 141 (1985)
- Electric generation is a by product of water systems owned by municipalities: \*SHB 846, CH 444 (1985), SB 4215
- Short-term obligations for municipal corporations, 3 year limitation removed: \*SHB 956, CH 332 (1985)
- Small works roster, revised every year versus every 6 months: \*HB 250, CH 154 (1985)
- Sole-source aquifer protection, county power accompanies water/sewer authority: SB 3428
- Theft of utility services, civil liability: \*HB 758, CH 427 (1985)

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Water systems owned by municipalities, electric generation as a by product:  
 \*SHB 846, CH 444 (1985), SB 4215

**WATER SLIDES**

Recreational water contact facilities, slides, regulated: SB 3498, SSB 3498

**WATERFOWL**

Migratory waterfowl stamp to hunt waterfowl required: \*SHB 179, CH 243 (1985),  
 SB 3396

**WATSON, NORMA JEAN**

GA nomination as trustee, Big Bend community college district 18, withdrawn p.  
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**WATSON, RICHARD H.**

Reappointed director, Washington state energy office:

GA 65, confirmed ..... pp. 121, 324, 388

**WEEDS**

Budget process modified, county: SB 4119, SSB 4119

Control, noxious weed defined: SB 4119, SSB 4119

Emergency action against imminent seed dispersion: SB 4119, SSB 4119

Noxious weed control board, county, weed coordinator: SB 4119, SSB 4119

Noxious weed control board membership modified: SB 4119, SSB 4119

Noxious weed control fund established: SB 3234

Noxious weed control funding, special 50 cent assessment on license fees: SB 3234

Noxious weed defined: SB 4119, SSB 4119

Sale of hay containing weed seeds illegal: SB 4119, SSB 4119

Weed coordinator to be employed by county: SB 4119, SSB 4119

Weed coordinator to have a pest control consultant or operator license: SB 4119,  
 SSB 4119

**WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT 15, BOARD OF TRUSTEES**

Judith J. Borth, GA nomination as member, withdrawn ..... p. 134

T. W. Small, Jr., member:

GA 43, confirmed ..... pp. 145, 1380, 2174, 2503

Cherlie N. Brundage, member:

GA 44, confirmed ..... pp. 145, 1380, 2174, 2503

**WESTERN WASHINGTON STATE UNIVERSITY**

Judith Maleng, GA nomination as member, board of trustees,

withdrawn ..... p. 133

Martha Choe, member, board of trustees:

GA 20, confirmed ..... pp. 141, 1174, 2180

Craig Cole, member, board of trustees:

GA 19, confirmed ..... pp. 141, 1174, 1256

Board of regents actions to be published in newspapers: SB 3544, SSB 3544

Community college development districts, repealed: \*HB 331, CH 218 (1985)

Fees reset: SSB 3712

Salary increases for administrators, limited by state operating appropriation act:  
 SSB 3056

Salary increases, not to exceed average faculty increase: SB 3056

Trustee membership increased: \*HB 293, CH 137 (1985), SB 3133

Tuition and fee, periodic payment plan pilot program: \*SB 3134, CH 356 (1985)

**WHATCOM COMMUNITY COLLEGE DISTRICT 21, BOARD OF TRUSTEES**

Orphalee Smith, GA nomination as member, withdrawn ..... p. 134

Judy Wiseman, member: GA 53, confirmed ..... pp. 147, 1380, 2174, 2503

**WHATCOM COMMUNITY COLLEGE DISTRICT 21, BOARD OF TRUSTEES**

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Patricia G. Hite, reappointed member:

GA 54, confirmed ..... pp. 147, 1768, 2086

**WHEAT QUEEN, WASHINGTON STATE**

Queen Kelly Ryan, introduced and addressed senate ..... p. 334

**WHIDBEY ISLAND**

Freeland excluded from scenic highway system: SB 4163

**WHITE, HIRAM H.**

GA nomination as member, oil and gas conservation commission,

withdrawn ..... p. 1248

Reappointed member, oil and gas conservation commission:

GA 140 ..... p. 1254

**WHITNEY, EVELYN J.**

Member, state personnel board: GA 154 ..... p. 1445

**WHOLESALERS**

Alcohol, financial interest redefined for sellers and wholesalers: \*SB 3325, CH 363 (1985)

Alcohol, wholesaler distributors/suppliers equity agreement act, violation, penalties: SB 4263, \*SSB 4263, CH 440 (1985)

B &amp; O tax modified, chain of purchase: SB 4270

B&amp;O tax modified, distribution to retail outlets with exempt sales: SSB 4270

Cigarettes, subsidiary, affiliate, cost of doing business, determination: SB 3571, SSB 3571

Fish dealers, damage, fines, bonds: \*SHB 466, CH 248 (1985)

Loans, sale at wholesale includes commercial, agricultural, or investment purposes: SB 4258

Organic food products, standards established: \*SHB 297, CH 247 (1985)

Sales representations, contracts and commissions regulated: SB 3255, SSB 3255

**WICK, DONALD R.**

GA nomination as member, Washington state housing

finance commission, withdrawn ..... p. 1248

Reappointed member, Washington state housing finance

commission: GA 161 ..... p. 2116

**WILDLIFE**

Crop damages by wildlife, procedures clarified: \*SSB 3116, CH 355 (1985)

Crop damages caused by, wildlife kill permit approval by regional game program manager: SB 3116, \*SSB 3116, CH 355 (1985)

Damage to wild shrubs and range land vegetation is crop damage: SB 3116, \*SSB 3116, CH 355 (1985)

Eagle buffer zone, farming exempt: SB 3237

Fur sales at auctions, restricting the sale: HB 464

Illegally killed wildlife, reimbursement revised: SB 3397

Migratory waterfowl stamp to hunt waterfowl required: \*SHB 179, CH 243 (1985), SB 3396

Mt. St. Helens surplus land may be disposed of for fish and wildlife habitat: \*SB 4146, CH 307 (1985)

Water, consumptive permits not issued until minimum flows set: SB 3311

Water-dependent fish and wildlife, protection and enhancement: SB 3311

**WILKES, BRUCE**

Member, board of trustees, Central Washington University:

GA 16, confirmed ..... pp. 140, 1024, 1077

**WILLIAMS, PAT "MARGARET"**

GA nomination as member, state gambling commission,  
 withdrawn ..... p. 1248

**WILLIAMS, SENATOR AL**

Appointed member, energy and utilities, commerce and labor,  
 judiciary and parks and ecology committees ..... p. 15  
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**WILLIS, MRS. LAUREL**

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 (1985)  
 Escheat property, director of revenue to administer estate: \*HB 1004, CH 133  
 (1985), SB 3889  
 Instruction and forms on probate, attorney general to provide: SB 3025  
 Trust act of 1984 wills provisions reenacted: \*SB 3073, CH 23 (1985)

**WINCKOSKI, BERNARD G.**

GA nomination as member, state gambling commission,  
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**WISEMAN, JUDY**

Member, board of trustees, Whatcom community college district 21:  
 GA 53, confirmed ..... pp. 147, 1380, 2174, 2503

**WITNESSES**

Bill of rights for children victims or witnesses: \*SHB 512, CH 394 (1985)  
 Child witnesses, protection provided, advocate: SB 3199  
 Children, bill of rights, advocate, protection: \*SHB 512, CH 394 (1985)  
 Escapees, notice of release to law, victims, witnesses: \*SHB 848, CH 346 (1985)  
 Intimidating a former witness, class B felony: \*HB 107, CH 327 (1985)  
 Notice of release or escape of violent offenders to law, victims, witnesses: \*SHB  
 848, CH 346 (1985)

**WOJAHN, SENATOR R. LORRAINE**

Oath of office ..... p. 3  
 Appointed member, commerce and labor, financial institutions,  
 rules and ways and means committees ..... p. 15  
 Personal privilege ..... p. 553  
 Personal privilege, sing happy birthday to Ole Scarpelli ..... p. 683  
 Appointed interim member, legislative budget committee ..... p. 2636

**WOLFE, FRED**

Representing older worker week, introduced and  
 addressed senate ..... p. 482

**WOOD STOVES**

Regulation of use: SB 3071

**WORK**

Agricultural workers, hazardous chemicals, information and training: \*SHB 1170,  
 CH 409 (1985)  
 Cessation of business operations, notice procedures: SB 3016  
 Child abuse convictions, registry established, job screening: SB 3377  
 Conservation corps, funding for distressed areas: \*SHB 760, CH 230 (1985)  
 Distressed counties, CERB to spend 20% of loans and grants for projects: \*SHB 461,  
 CH 446 (1985)  
 Early warnings for reduction of operations, tax break: SB 3837, SSB 3837

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- Economic development board, spur new jobs: \*2SHB 627, CH 467 (1985)
- Economic development target areas, investment sales tax deferral: SB 4244
- Economic stabilization task force, respond to business operations reduction: SB 3837, SSB 3837
- Economically depressed areas, centennial partnership projects, tourism, marketing: SSB 4100
- Employee exchange program, government, nongovernment: SHB 2
- Employee-ownership assistance program: \*SHB 577, CH 263 (1985)
- Industrial training program, community colleges, new and expanded businesses: SB 4112
- Injuries on the jobsite, limitation of action, 18 months: SB 4275
- Investment projects in distressed areas, job creation, sales tax deferral: \*SHB 1079, CH 232 (1985)
- Investment projects, tax deferral for persons currently not in state: HB 1326
- Job creation and economic development via development loan fund committee: \*SHB 855, CH 164 (1985)
- Job service program labor exchange, report to legislature: SSB 4196
- Labor exchange, job service resources and employment assistance: SB 4196, SSB 4196
- Lie detector use clarified in employment: SB 4302
- Liquor premises, security and officers over 18 allowed: \*SB 3851, CH 323 (1985)
- Minimum wage, certificate allowing less than, handicap provision, blind not sole reason: SB 3600
- New and expanded businesses, community college industrial training program: SB 4112
- New businesses, economic assistance to distressed areas, tax exemptions: SB 4154
- New businesses, investment projects, persons currently not in state, tax deferral: HB 1326
- Nursing home employees, wage enhancement: SSB 3219
- Nursing home employees, wage parity: SB 3219
- Reduction in business operations, early warning, tax break: SB 3837, SSB 3837
- Retraining and reeducation in areas of high unemployment, emergency pilot vocational training program: \*SHB 1207, CH 437 (1985)
- Sexual orientation, may not discriminate based on: SB 3548
- Shared work compensation program, conditions revised: \*SB 3406, CH 43 (1985)
- Shipbuilding and ship repair industries, requesting assistance: SCR 113
- Single heads of households, higher education opportunities: SB 3444
- Small business and development center, emphasis high unemployment areas: SB 4291
- Statute of limitations, injuries on the jobsite, 18 months: SB 4275
- Street kids pilot project, multiservice centers: 2SHB 930
- Unemployed included in definition of general assistance: SB 3455
- Unemployment, economic assistance to distressed areas for new businesses: SB 4154
- Unemployment, high areas, small business and development center to stress: SB 4291
- Vocational training, emergency pilot program, areas of high unemployment: \*SHB 1207, CH 437 (1985)
- Worker and community right to know modified: SB 3150
- Worker and community right-to-know, communication of workplace hazards: \*SHB 1170, CH 409 (1985)
- Youth employment exchange, funding for distressed areas: \*SHB 760, CH 230 (1985)

**WORLD FAIR COMMISSION**

- Evelyn Y. Sun, executive director, '86 EXPO worlds fair commission:  
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**WORLD FAIR COMMISSION—cont.**

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SHB 339

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Reappointed member: GA 137 ..... p. 1253  
Ronald D. Mayo, GA nomination as member, withdrawn ..... p. 1248  
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Sydney Steinborn, GA nomination as member, withdrawn ..... p. 1248  
Reappointed member: GA 139 ..... p. 1254

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**WRONGFUL BIRTH**

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**WRONGFUL LIFE**

Causes of action prohibited: SB 4251

**YAKIMA RIVER**

Yakima water adjudication, certification period reopened: \*SSB 4424, CH 435  
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**YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT 16, BOARD OF TRUSTEES**

Betty L. Edmondson, GA nomination as member, withdrawn ..... p. 134  
Reappointed member: GA 45, confirmed ..... pp. 146, 1767, 2084  
Joan Harris, reappointed member:  
GA 46, confirmed ..... pp. 146, 1767, 2084

**YAMAMOTO, HARRY**

Member, board of trustees, Big Bend community college  
district 18: GA 77, confirmed ..... pp. 306, 1382, 2174, 2505

**YIN AND YANG**

Acupuncture certification procedures: \*SHB 270, CH 326 (1985), SB 3364, SSB 3364  
Acupuncture, group health insurance plan coverage: SB 3606  
Acupuncture, physician assistants, qualifications modified: \*SB 3829, CH 322  
(1985)

**YOUNG, DR. LLOYD YEE**

Member, state board of pharmacy: GA 167 ..... p. 2681

**ZIMMERMAN, LYNDIA**

GA nomination as member, hospital commission, withdrawn ..... p. 355

**ZIMMERMAN, SENATOR HAL**

Oath of office ..... p. 3  
Appointed member, governmental operations, rules, ways and  
means committees ..... p. 15  
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Park and recreation service area authority modified: \*SB 3445, CH 253 (1985)