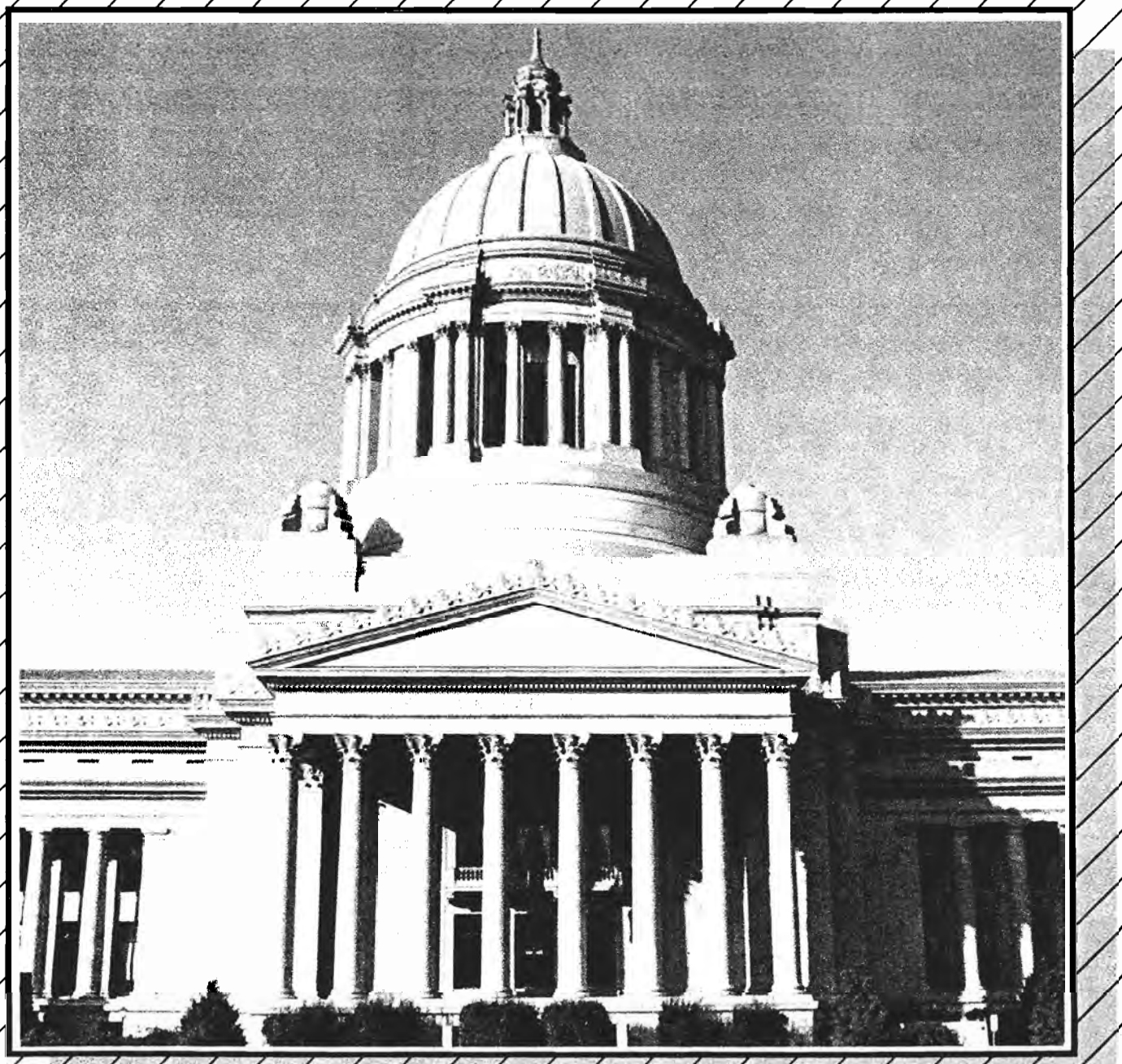
FINAL LEGISLATIVE REPORT



FORTY-NINTH WASHINGTON STATE LEGISLATURE
1986 Regular Session

FINAL LEGISLATIVE REPORT

FORTY-NINTH WASHINGTON STATE LEGISLATURE
1986 Second Regular Session

This final edition of the 1986 **Legislative Report** is available from:

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205 House Office Building
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Senate Committee Services
101 John A. Cherberg Building
Olympia, Washington 98504
(206) 786-7400

WASHINGTON STATE LEGISLATURE

Senate • House of Representatives • Legislative Building • Olympia, Washington 98504

April, 1986

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

This final edition of the **Legislative Report** is a summary of legislative action during the 1986 Regular Session of the 49th Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

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

Sincerely,

R. Ted Bottiger
Senate Majority
Leader

Wayne Ehlers
Speaker of the
House of Representatives

DEDICATION

This report is dedicated to EXPO 86, the May 2-October 13 world exposition in Vancouver, British Columbia, with its theme "World in Motion, World in Touch".

The State of Washington has learned from history that such events have valuable short-term as well as long-term benefits. Three previous expositions — the Alaska-Yukon Pacific (AYP) Exposition of 1909 in Seattle, the Century 21 World's Fair of 1962 in Seattle, and EXPO 74 in Spokane — have all contributed to better relationships among nations, a keen sense of community pride and accomplishment and, in each case, a permanent legacy of facilities and resources. The AYP site is now the campus of the University of Washington; Century 21 gave way to the beautiful Seattle Center with its Space Needle and the monorail, and EXPO 74 left a magnificent river front park and revitalized downtown in Spokane.

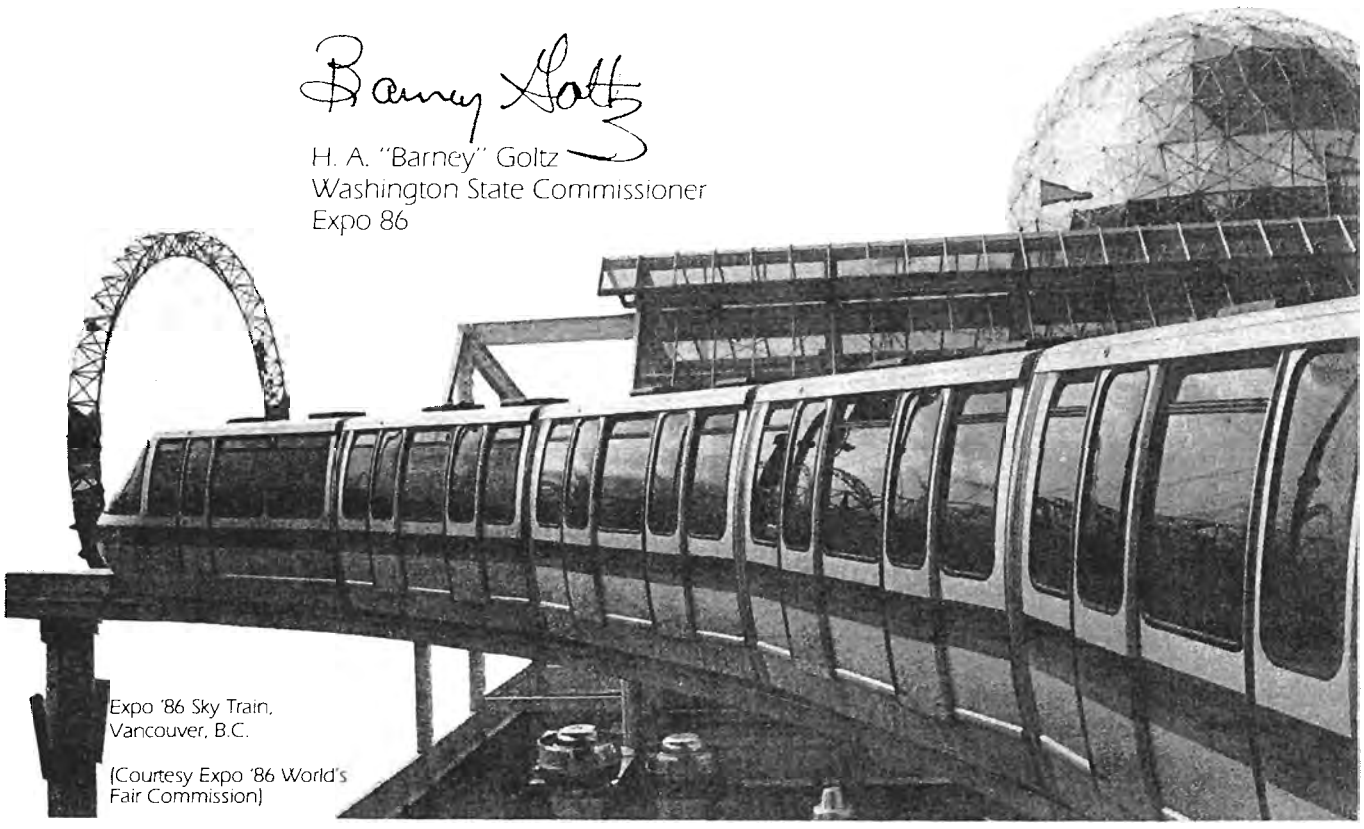
The EXPO 86 site along False Creek will also endow the city of Vancouver with a multi-billion dollar development opportunity known as B.C. Place.

Washington State is heavily committed to a quality presence through its own pavilion, sharing the USA area with Oregon and California. Our commitment is motivated by the long-term good neighbor relationship with British Columbia, whose border we share. We are also there as a prominent entity on the Pacific Rim with a recognized leadership role in transportation and communication industries and the closest U.S. point to the Orient. Finally, we are there to enjoy immediately the benefits of increased tourism and to tell the story of Washington State— its activities and its people.

The sights, sounds and excitement of EXPO 86 will bring the world together at Vancouver, British Columbia during the summer of 1986. Washington State will be there with vitality, spirit and the best of Washington to share that spotlight. Our legacy will be greater international understanding and working relationships for many years to come — the rewards will more than match our effort. Don't miss it for the world!

Barney Goltz

H. A. "Barney" Goltz
Washington State Commissioner
Expo 86



Expo '86 Sky Train,
Vancouver, B.C.

(Courtesy Expo '86 World's
Fair Commission)

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Aerial view of 1909 Alaska Yukon Pacific Exposition, present site of the University of Washington.

(Courtesy the Museum of History and Industry, Seattle.)

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1986
REGULAR SESSION OF THE
49TH LEGISLATURE

Bills Before Legislature

	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1986 Regular Session (January 13 - March 12)					
House	799	165	0	20	165
Senate	627	161	1	26	160
LEGISLATURE	**1,426**	**326**	**1**	**46**	**325**

Joint Memorials, Joint Resolutions and
Concurrent Resolutions Before the Legislature

	Introduced	Filed with Secretary of State
1986 Regular Session		
House	36	10
Senate	62	13
LEGISLATURE	98	23

Gubernatorial Appointments

1986 Regular Session	Referred	125
	Confirmed	126

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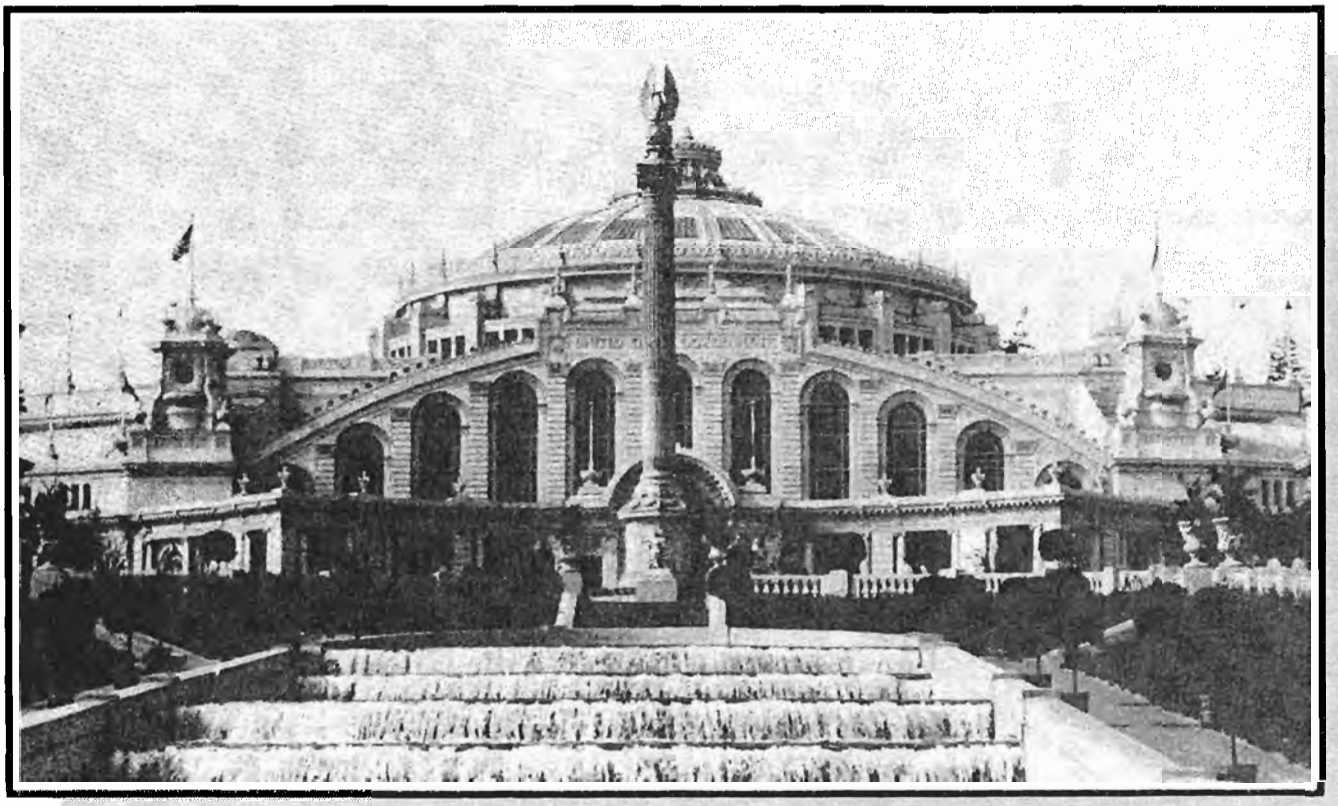

The Government Building, Alaska Yukon Pacific Exposition in Seattle.

(Courtesy the Museum of History and Industry, Seattle.)

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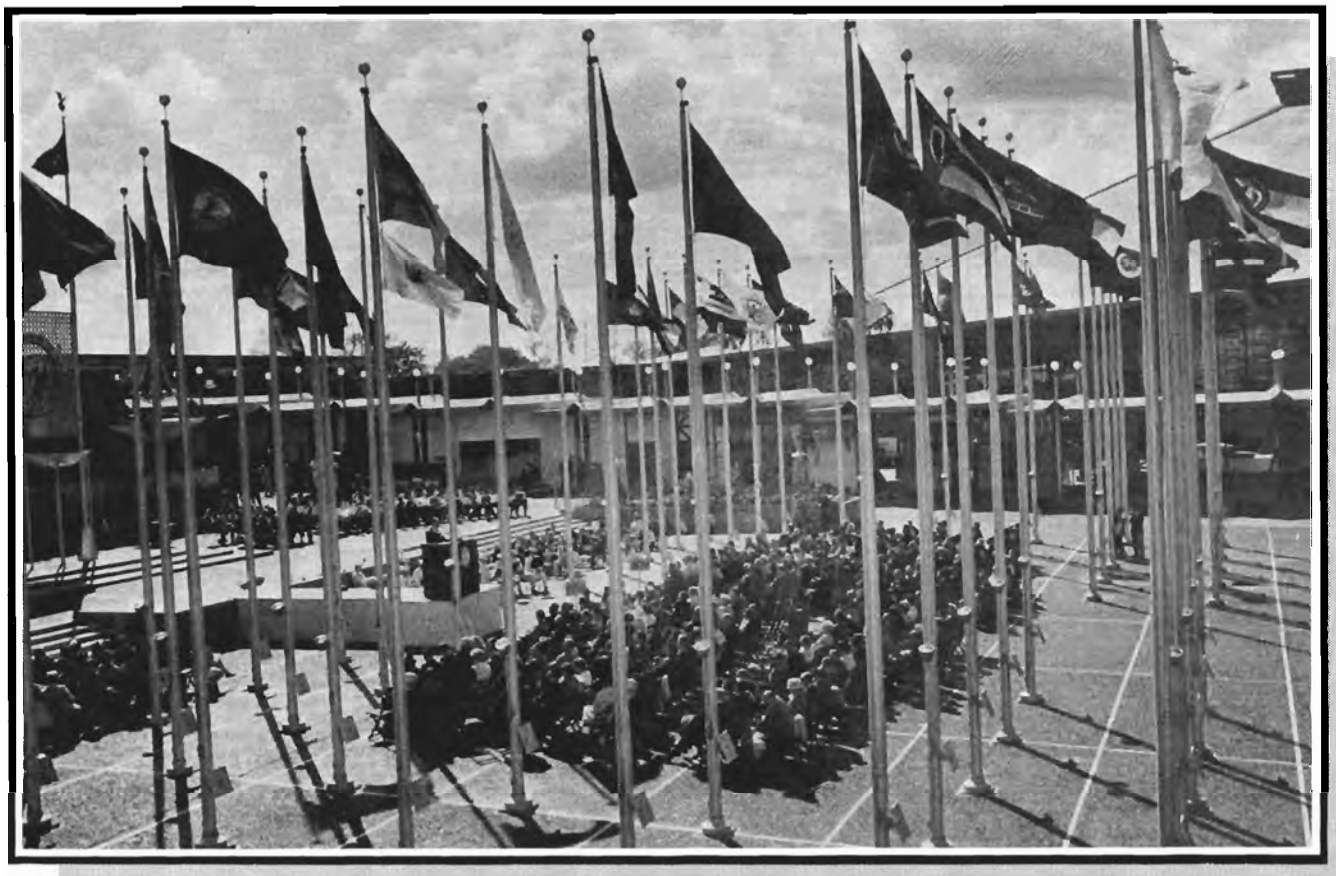

The Century '21 Flag Pavilion, Seattle World's Fair.

(Courtesy the Museum of History and Industry, Seattle.)

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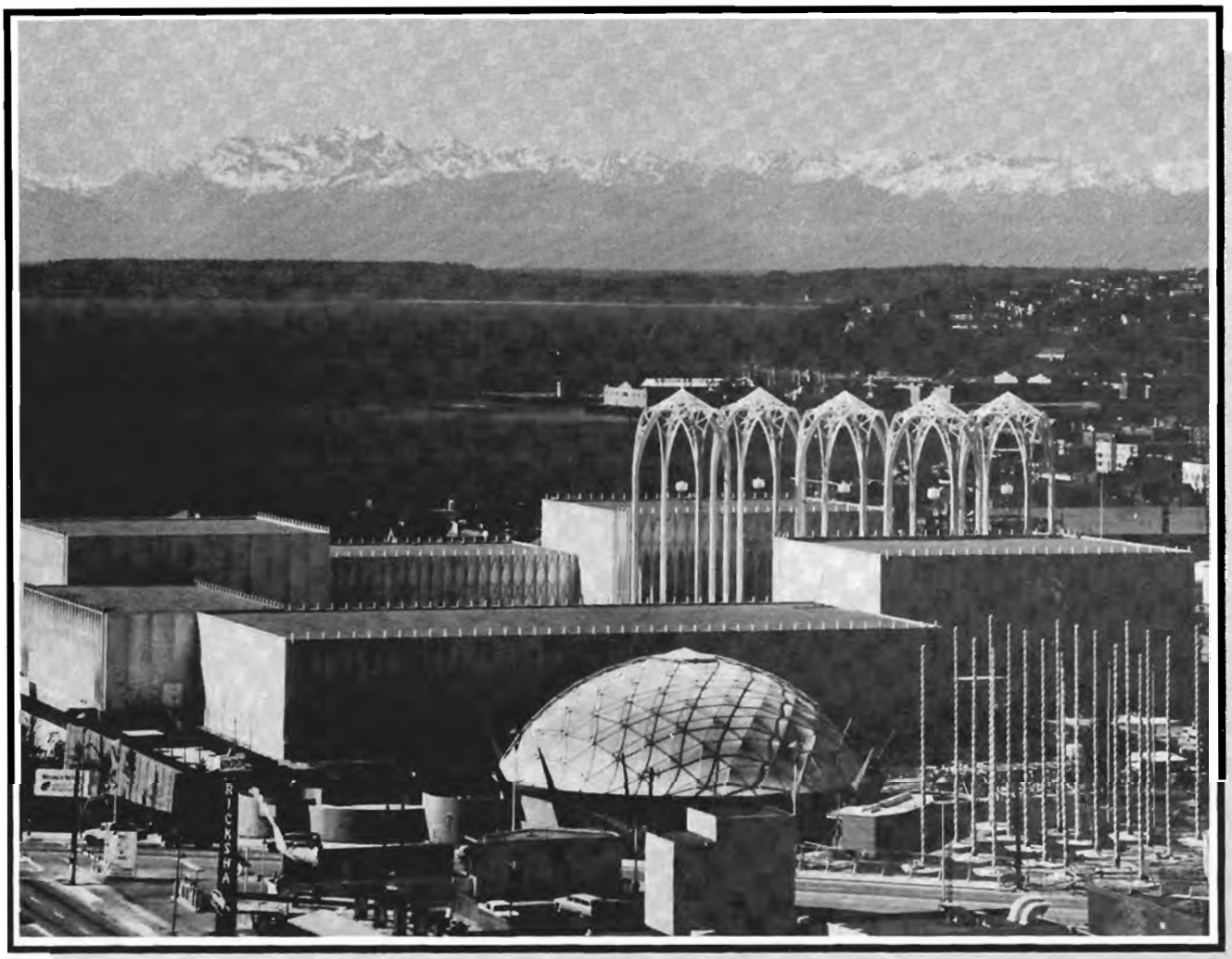
LEGISLATION



Aerial view of the Science Pavilion, 1964 Seattle World's Fair.

(Courtesty the Museum of History and Industry, Seattle.)

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SHB 37

C 37 L 86

By Committee on Environmental Affairs (originally sponsored by Representatives D. Nelson, Brough, Rust, Allen, Unsoeld, R. King, P. King, Fisch, McMullen and Lux)

Authorizing above-ground tanks for recycling used oil.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

In 1983, legislation was enacted that declared it was state policy to collect and recycle used oil. To implement this policy, the Department of Ecology (DOE) was directed to conduct public education on oil recycling. This included a requirement for sellers of used oil to post signs informing buyers of locations where they can recycle used oil. DOE was also directed to encourage the establishment of used oil collection and recycling programs.

Currently there are no statewide standards for used oil collection tanks. The standards may vary from city to city. This often makes it difficult for collectors or recyclers of used oil to establish collection facilities.

SUMMARY:

The State Fire Protection Board, in cooperation with the Department of Ecology, is directed to develop a statewide standard for above ground tanks that are used to collect used oil for recycling purposes.

VOTES ON FINAL PASSAGE:

House	93	0
Senate	40	4

EFFECTIVE: June 11, 1986

SHB 131

C 259 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

In 1984, the legislature passed the Uniform Disciplinary Act (UDA). State health professional disciplinary authorities may elect to come under the UDA. The UDA contains uniform procedures, sanctions and standards for the discipline of licensed or regulated health professionals, including standards of unprofessional conduct.

SUMMARY:

The UDA is no longer elective. However, it applies only to the disciplinary authorities for the following: podiatry, chiropractic, dental hygiene, dentistry, dispensing opticians, drugless healing, embalmers and funeral directors, midwifery, optometry, ocularists, osteopathic physicians, occupational therapists, physicians and physician assistants, physical therapy, practical nurses, registered nurses, veterinary medicine, and massage operators. In addition, there are minor housekeeping changes in the UDA itself, as well as changes in the laws creating the 18 authorities covered under the UDA.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	45	2	(Senate amended)
Senate	41	0	(Senate receded)

EFFECTIVE: June 11, 1986

HB 134

C 281 L 86

By Representatives Jacobsen, Long, Unsoeld, Allen, Todd, Niemi, Appelwick, Tilly, Winsley, Tanner, Lux, May and Belcher

Regulating the use of automatic dialing and announcing devices.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Automatic dialing and announcing devices (ADADs) are computer based devices which automatically dial

telephone numbers and play a pre-recorded message once a connection is made. In recent years as ADAD technology has improved and prices have come down, ADAD use has increased. ADADs are used for a variety of purposes including charitable and commercial solicitations, and emergency signaling.

SUMMARY:

The Legislature finds that the use of ADADs for commercial solicitation deprives consumers of the opportunity to immediately question sellers, subjects customers to unwarranted invasions of their privacy, and encourages inefficient and potentially harmful use of the telephone network. The Legislature finds it is in the public interest to prohibit the use of ADADs for commercial solicitation.

Use of an ADAD for commercial solicitation is a violation of the Consumer Protection Act, with damages presumed to be $500.

VOTES ON FINAL PASSAGE:

House	74	20	
Senate	44	0	(Senate amended)
Senate	42	3	(Senate receded)

EFFECTIVE: June 11, 1986

2SHB 136

C 210 L 86

By Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld,Isaacson, Rust, Allen, Barnes, Valle, Jacobsen, Brekke, Lux, Patrick, R. King, Leonard, May and Belcher)

Promoting local governments hazardous waste management programs.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

Disposal of hazardous household substances is not currently regulated under the hazardous waste management act. Pursuant to legislation enacted last year, the Department of Ecology is preparing guidelines to be used by local governments to plan for collection and proper disposal of moderate risk wastes, which include hazardous household substances as well as hazardous wastes that are generated in quantities below the threshold for regulation.

The guidelines must be completed by the end of 1986, and local hazardous waste plans are required to be completed by June 30, 1990. The state will fund 75 percent of the planning costs, and local governments must pay the remaining 25 percent.

SUMMARY:

The Department of Ecology (DOE) is directed to evaluate pilot projects that have already been conducted for moderate risk wastes, and to coordinate additional pilot projects if further information is needed to update and improve the guidelines. DOE must also work with retailers, trade associations, public interest groups and local governments to establish voluntary public education programs on the proper handling of hazardous household substances.

Local governments may deduct any money spent on pilot projects for hazardous household substances from their portion of the planning costs. If a local government completes their local hazardous waste plan prior to June 30, 1988, they will not be required to provide matching funds.

The Department of Ecology will adopt rules to ensure expeditious permit processing for hazardous waste treatment facilities. If owners and operators are not the same entity, permit application responsibilities for each are specified.

VOTES ON FINAL PASSAGE:

House	93	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 160

C 166 L 86

By Committee on Education (originally sponsored by Representative P. King)

Authorizing fees for certain preadmission screening processes.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Public schools are open to children between the ages of five and twenty–one. The State Board of Education is directed to establish uniform entry qualifications and may provide for exceptions to the qualifications.

SUMMARY:

School districts may collect a fee to cover the expenses incurred by the district in administration of a preadmission screening process authorized by the State Board of Education. In establishing a fee, school districts must adopt regulations allowing the waiver or reduction of fees for low income families. No school district may charge a fee in excess of seventy–five dollars for the preadmission screening of a child.

VOTES ON FINAL PASSAGE:

House	89	3	
Senate	38	6	(Senate amended)
House	85	11	(House concurred)

EFFECTIVE: June 11, 1986

SHB 205

C 90 L 86

By Committee on Ways & Means (originally sponsored by Representatives Lux, Winsley and Zellinsky; by Department of Licensing request)

Authorizing a limited offering exemption to the securities act.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

The Washington State Securities Act exempts certain securities transactions from registration requirements of the act. In 1982, the federal Security and Exchange Commission adopted and recommended to the states new rules governing exemptions from registration requirements. The State Securities Act does not authorize the adoption of the uniform limited offering exemption.

SUMMARY:

The Director of the state Department of Licensing is authorized to adopt rules exempting certain limited offerings of securities from registration requirements. The rules must further the objectives of compatibility with federal exemptions of uniformity among the states.

VOTES ON FINAL PASSAGE:

House	92	0	
Senate	42	6	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: July 1, 1986

HB 244

C 92 L 86

By Representatives O'Brien, P. King, Winsley, Hastings, May, Bond, Crane and Fisch

Creating a state medal of merit.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Washington State has no official means of recognizing the contributions and achievements of persons performing outstanding services to the people and to the State of Washington. Awards, certificates of merit, memorials, and other forms of recognition are currently made by various governmental units for distinguished service.

SUMMARY:

The State Medal of Merit is established. The Medal is to be awarded by the Governor to any person who has been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and to the State of Washington. The State Medal of Merit may not be awarded to any elected official while in office or any candidate for an elected office.

The State Medal of Merit Committee is created for the purpose of nominating candidates for receiving the Medal. The Committee is composed of the following persons or their designee: a) the Governor; b) the President of the Senate; c) the Speaker of the House of Representatives; and d) the Chief Justice of the Supreme Court. The Committee is to meet annually to consider candidates for nomination and is to adopt rules relating to qualifications of nominees and protocol governing decoration.

The bronze medal is to consist of the Seal of the State of Washington, surrounded by a raised laurel wreath. The reverse side is to bear the following inscription: "For exceptionally meritorious conduct in performing outstanding services to the people and State of Washington".

The Medal may be awarded posthumously to an appropriate representative of the deceased.

VOTES ON FINAL PASSAGE:

House	92	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 308

C 234 L 86

By Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Walker and Day)

Relating to municipal incorporation proceedings and elections.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Separate procedures exist for the incorporation of various types of cities and towns. All of the procedures involve an election at which the voters of the area proposed to be incorporated vote on both: (1) the question of incorporation; and (2) persons to serve as the initial elected officials of the city or town.

SUMMARY:

A uniform process for the incorporation of cities or towns is established that alters the existing system by: (1) separating the election at which the question of incorporation is considered, from the election of the initial elected officials; and (2) establishing a transition period, after the election of the initial officials and the actual date of incorporation, during which these officials facilitate the transition to becoming the city or town.

Provision is made for a primary election, as well as the actual election of the initial elected officials. The initial elected officials take office immediately after they are elected and qualified. Prior to the actual date of incorporation, they can adopt ordinances and impose taxes to be effective as of the date of incorporation. Tax anticipation notes may be issued. The annexation of the city or town by a fire district or library district immediately upon incorporation may be approved.

The date of incorporation is 360 days after the date of the election on incorporation, unless the elected officials adopt a resolution providing for an earlier date which may be from 180 to 359 days after the date of the election on incorporation.

If the vote in favor of the incorporation fails to receive more than 40% of the total vote, a subsequent election on incorporating all or a portion of this area may not be placed on the ballot for at least three years.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	0

EFFECTIVE: April 3, 1986

SHB 355

C 154 L 86

By Committee on Ways & Means (originally sponsored by Representatives Scott, Belcher, Bond, Zellinsky, Gallagher, Haugen, P. King, Fisch and Winsley; by Washington State Patrol request)

Providing for state patrol retirement credit for cadets.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Current law provides that only commissioned employees of the Washington State Patrol (WSP) may participate in the WSP retirement system (WSPRS). Employees of the state patrol who are candidates for commissioned status (cadets) cannot join the WSPRS but instead get retirement service credit in PERS.

In 1980, RCW 43.43.130 was amended to allow persons who become members of the WSPRS after June 12, 1980 to transfer their cadet service credit from PERS to WSPRS.

In 1983 the law was amended again to allow persons who had become members of the WSPRS before June 12, 1980 to transfer their cadet service credit from

PERS to the WSPRS. Such transfer had to be completed before July 1, 1985.

According to the state patrol, approximately 88 current members of the WSPRS had joined the retirement system before June 12, 1980 but were not members of PERS for a six month probation period while cadets. These persons, therefore, had no PERS credit for those six months to transfer pursuant to the 1983 law. Under present law, these persons cannot receive service credit in either PERS or the WSPRS for these probationary periods of service.

Persons employed as drivers license examiners for the WSP were transferred in 1965 to the Department of Motor Vehicles (DMV), which has since merged into the Department of Licensing. These persons were required to withdraw their service credit and contributions from the WSPRS at that time and were not allowed to transfer the service credit to PERS.

SUMMARY:

An active member of the WSP is allowed to receive up to six months credit in the WSPRS for cadet service if credit was not previously received in PERS. The state patrol would have to certify that the cadet had been employed for the express purpose of receiving on-the-job training required for attendance at the state patrol academy.

In order to receive the credit, the member would have to pay the employee contribution of seven percent of the salary received for each of the months for which credit was sought, plus seven percent interest. The member would also have to give a written waiver of any right to establish the same service in PERS in the future.

In addition, certain former employees of the WSP who were transferred to the Department of Motor Vehicles in 1965 are allowed to receive service credit in PERS for the period of time they had worked for the WSP.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: March 31, 1986

SHB 378

C 306 L 86

By Committee on Ways & Means (originally sponsored by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Basich, Miller, Isaacson and Brekke)

Requiring funding of cost of living retirement adjustments.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The Legislature has periodically granted cost-of-living adjustments (COLAs) to retirees in PERS I, TRS I, Judges and State Patrol retirement systems, as well as higher education supplementation. The costs of these COLAs are not covered through an appropriation, nor are they anticipated in the contribution rates; hence the accrued unfunded liability rises. Unlike other benefits, COLAs are paid out immediately. This creates a greater immediate accrued unfunded liability than other increases under which benefits are earned and paid out over an extended period of time.

SUMMARY:

The biennial appropriations act will include an appropriation for the full biennial amount that will be paid out under any post retirement COLA adopted after the effective date of this act.

The minimum benefit for TRS and PERS retirees is increased to thirteen dollars per month per year of service beginning July 1, 1986. Most persons who served as elected officials of junior districts shall receive a minimum benefit of ten dollars per month per year of service. An appropriation of 5.3 million dollars is included to cover the first year cost of the increase.

VOTES ON FINAL PASSAGE:

House	69	17	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	43	0	(Senate amended)
House	91	0	(House concurred)

EFFECTIVE: July 1, 1986

SHB 495

PARTIAL VETO

C 267 L 86

By Committee on Judiciary (originally sponsored by Representatives Dellwo, Armstrong, Lewis, Scott, Tilly, Locke, Niemi, Lux, Hargrove and Belcher)

Authorizing retrocession of jurisdiction over certain Indian land.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Washington State has full criminal jurisdiction over the Colville Indian Reservation. The source of this jurisdiction is federal law. Federal law also permits a state to retrocede jurisdiction back to the federal government.

Criminal acts committed by Indians or non-Indians within the reservation may be prosecuted in state court. The Colville tribe also provides law and order services to the reservation community through a tribal police force and tribal court system. Federal funds for general law enforcement functions are not available to tribes subject to full state criminal jurisdiction. Partial retrocession of state criminal jurisdiction would make federal funding available to the Colville tribe.

SUMMARY:

Upon receipt of a resolution from the Colville Indian Tribe, the Governor may issue a proclamation retroceding to the United States partial criminal jurisdiction over the Colville reservation. The Colville reservation may express its desire for retrocession only by a resolution approved by a majority vote of the enrolled adult members of the tribe voting at the next general tribal election. On trust lands within the reservation, the tribe and the federal government have exclusive criminal jurisdiction over tribal members. On non-trust lands within the reservation, the state continues to have jurisdiction over crimes committed by Indians and non-Indians. In certain subject areas, such as motor vehicle offenses, the state continues to have jurisdiction over Indians and non-Indians on all lands on the reservation.

VOTES ON FINAL PASSAGE:

House	90	2	
Senate	38	0	(Senate amended)
House			(House concurred in part)
Senate	42	4	(Senate amended)
House	85	6	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

A section providing that the Colville Reservation may express its desire for retrocession only by a resolution approved by a majority vote of the enrolled adult members of the tribe voting at the next general tribal election is vetoed. (See VETO MESSAGE)

HB 507

C 93 L 86

By Representatives Betrozoff, Walk, J. Williams, Schmidt, Brough, Fisher, Hankins, Brekke, Prince, Tanner, Chandler, C. Smith, Baugher, Sutherland, Patrick, Van Luven, Thomas, Valle, Zellinsky, K. Wilson, Bond, Kremen, Winsley and Ballard

Improving freeway traffic flow.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

A slow-moving vehicle is one proceeding slower than the maximum legal speed limit or slower than necessary for safe operation. On any Washington highway a slow-moving vehicle is required to stay in the right-hand lane except when passing or preparing to turn left.

The Department of Transportation has installed "Slow-Moving Vehicle" signs on truck climbing lanes and "Slower Traffic Keep Right" signs on I-5 between Seattle and Olympia. The Department of Licensing has included keep-right information in the Driver's Manual.

However, there currently is no statutory requirement for other vehicular traffic to keep right except when passing, turning left, moving left to accommodate merging traffic or travelling at a speed greater than the traffic flow on multi-lane highway facilities. Slower vehicles travelling in the left-hand lane(s) can disrupt

the traffic flow in all available lanes and may increase the accident potential because of the speed differential.

SUMMARY:

It is the intent of the Legislature that the left-hand lane on any multi-lane state highway be used primarily as a passing lane. Upon any roadway with two or more lanes in the same direction, all vehicles are to be driven in the right-hand lane then available to traffic except when passing, turning left, travelling at a speed greater than the traffic flow, or moving left to accommodate merging traffic. Trucks are specifically required to remain in the right-hand lane except as provided above.

It is a traffic infraction to drive continuously in the left lane of a multi-lane facility when doing so impedes the traffic flow.

Information on proper lane usage is to be included in the instructional materials disseminated by the Superintendent of Public Instruction for Traffic Safety Education courses, and the Department of Licensing for Driver Training School courses. The Department of Transportation is responsible for posting proper lane usage signs on multi-lane highway facilities.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

SHB 573

PARTIAL VETO

C 314 L 86

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Wang, G. Nelson, Baugher and West)

Revising provisions relating to claims arising from improvements upon real property.

House Committee on Judiciary

House Committee on Ways & Means

Senate Committee on Judiciary

BACKGROUND:

The legislature has enacted many civil "statutes of limitation." These statutes prevent lawsuits from being brought beyond certain periods of limitation. Examples of typical periods are: ten years for the recovery of real property; six years for breach of a written contract; three years for most torts; two years for libel or slander; and one year for malfeasance by the executor of an estate. Periods of limitation begin to run from the time a cause of action has "accrued." A cause of action accrues when some event has occurred that gives a plaintiff the right to sue.

At common law, as part of the notion of sovereign immunity, government was not subject to statutes of limitation. Likewise, since before statehood, Washington has had a statute declaring that "there shall be no limitation to actions brought in the name or for the benefit of the state."

In 1967, a law was enacted relating to lawsuits resulting from the designing, planning, construction or repairing of improvements to real estate. This law is an "accrual statute" and requires that all claims in construction cases must "accrue" within six years of completion of construction. If the claim "accrues" within those six years, then the applicable statute of "limitation" (e.g., six years on a written contract) begins to run from the moment of "accrual." If, on the other hand "accrual" does not occur within six years of completion of construction, no statute of limitation begins to run and a lawsuit is forever barred.

In the case of Bellevue School District v. Brazier Construction, 103 Wn2d 111, (1984), the issue was raised as to whether the state is subject to the "accrual statute." The plaintiff in the case sued alleging breach of contract by the defendant in constructing a school building in the mid-1960's. The defendant argued that the case should be dismissed because the six-year "accrual" period had long since run. The plaintiff argued that the "accrual statute" does not bar suits by the state. The court agreed . Thus, there is no time limit, either with respect to a claim accruing or with respect to bringing a lawsuit, that applies against the state.

A person filing a statutory materialmen's lien has eight months to start a judicial action to foreclose the lien. After such an action is filed in court, the lien remains in effect until the court action is concluded. The filing of such a lien clouds title to the property involved until the lien is removed. Even if an owner has a legitimate basis for withholding payment from the lien holder, it is difficult for the owner to clear title in order

to sell the property involved except by paying the lien holder the full amount of the lien.

Materialmen are not required to give notice to contractors of materials supplied on public construction projects. Because of this, contractors often have no notice of possible materialmen's claims until after the subcontractors have been paid.

SUMMARY:

The rule announced in the decision in Bellevue School District v. Brazier is legislatively reversed. The six-year "accrual" requirement in construction cases is made applicable to the state. An express statement is made that the six-year accrual period does not apply to products liability cases.

A statutory materialmen's lien can be released by the filing of a release of lien bond which is acceptable to the lien claimant. If the lien claim is for $20,000 or less, the bond must be in the amount of $5,000 or two and one-half times the amount of the lien claim, whichever is greater. If the lien claim is for more than $20,000, the bond must be in the amount of $30,000 or two times the amount of the lien claim, whichever is greater.

The condition of the bond is the payment of any judgment plus costs recovered in the lien foreclosure action. The surety is released from any obligation under the bond if no foreclosure action on the lien is filed within the required period of time.

Persons furnishing supplies for public construction projects must give written notice to the contractor of all materials supplied for the project. This notice must be given within 60 days of the date the materials are supplied. This notice must be mailed to the contractor by registered or certified mail or served upon the contractor or the contractor's representative personally. No suit against the retained percentage account, maintained to protect the interests of subcontractors and suppliers on the project, can be brought unless proper notice under this provision has been given.

VOTES ON FINAL PASSAGE:

House	91	0	
Senate	46	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The veto removes all parts of the enactment dealing with the accrual period in construction lawsuits. (See VETO MESSAGE)

SHB 588

PARTIAL VETO

C 268 L 86

By Committee on Ways & Means (originally sponsored by Representatives Sommers and B. Williams)

Revising provisions relating to retirement contribution rates.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

1. The amortization period provided to pay off the unfunded liability in PERS I is spread over what is known as a "rolling 40 years". Each biennium, the amortization period is "rolled ahead" to 40 years from the beginning of that biennium. This is in contrast to TRS I and LEOFF I. In these plans the unfunded liability must be paid off prior to a fixed date in the future (2014 for TRS I, 2010 for LEOFF I).

2. In 1977, three new retirement plans were created by the legislature - LEOFF II, TRS II and PERS II. One of their key principles was that the cost of the plans would be split evenly between the members of the system and their employers. (In the case of LEOFF II, the employer pays 30 percent and the state pays 20 percent.) The cost is split by making the contribution rate equal for members and employers. The statutes creating the new systems did not, however, clearly identify the funding method which the legislature intended the State Actuary to use to implement the new funding approach provided in the Plan II systems.

3. If an employee is eligible for coverage under LEOFF, TRS or PERS, the employee is required to contribute to that retirement system. However, within PERS I, a member is required to work at least 70 hours a month to receive service credit for that month, and in PERS II, TRS II, and LEOFF II, the member is required to work at least 90 hours per month to obtain service credit for that month. Therefore, a member of one of these retirement systems may work less than the hours required to obtain service credit for that month

and still may be required to make contributions to the retirement system.

4. RCW 41.40.150(6)(a) provides that the recipient of a PERS retirement allowance who subsequently becomes employed in another position covered by PERS has his or her retirement status and benefits terminated during the period of eligible employment.

SUMMARY:

1. The unfunded liability of PERS I is required to be paid off over a 40 year period beginning June 30, 1985.

2. The original intent of the legislature regarding the funding method the actuary is to use to obtain equal contribution rates is clarified. In addition, it is clearly stated that the cost of the unfunded liability in LEOFF I, TRS I and PERS I will be kept separate from the costs of LEOFF II, TRS II and PERS II and will be borne by the state.

3. Beginning January 1, 1987, if a member is in an eligible position covered under PERS I or II or under LEOFF II or TRS II but does not work the hours necessary to receive service credit for a specific month, member and employer contributions to the retirement system for that month shall not be required.

4. The Director of the Department of Retirement Systems is authorized to suspend action to recover pension overpayments from retirees who had returned to covered employment until June 1, 1987.

VOTES ON FINAL PASSAGE:

House	95	2	
Senate	46	0	(Senate amended)
House	92	3	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The Governor vetoed the section which authorized the Director of the Department of Retirement Systems to suspend action to recover pension overpayments. (See VETO MESSAGE)

SHB 594

C 94 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Tanner, Long and Sayan)

Establishing plans for institutional industries and requiring purchase of products from institutional industries.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

Presently, Washington State's corrections system does not have any agreement with other states for the use of or production of prison-made goods. Further, current statute does not clearly state under which circumstances state agencies must buy prison-made goods.

SUMMARY:

The Department of Corrections (DOC) and the Department of General Administration (GA) are required to develop plans for: The DOC's production of commodities not currently being produced in prisons to be sold in correctional systems in other states; reciprocal marketing agreements with other states for prison-made goods; and joint agreements with other states for purchasing materials used in prison industries. The required plans must be submitted to the Legislature by March 1987.

State agencies are required to purchase needed articles from inmate work programs unless GA determines that: 1) the prison-made articles do not meet the agency's requirements; 2) the quality is not equal to that of private sector products; or 3) the price is higher than that available in the private sector.

The DOC is required to report to the Legislature, by July 1, 1987, regarding methods used to evaluate the effectiveness of prison work programs including their effect on rehabilitation and recidivism.

VOTES ON FINAL PASSAGE:

House	93	0	
Senate	46	0	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: June 11, 1986

SHB 614

C 91 L 86

By Committee on Higher Education (originally sponsored by Representatives Grimm, Prince, Rayburn, Basich, Jacobsen, Miller, Allen, Vander Stoep, Unsoeld, Sommers, McMullen, G. Nelson, K. Wilson, Belcher, D. Nelson, Kremen and Wineberry)

Revising methods for the expenditure of services and activities fees at institutions of higher education.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

Services and activities fees are statutorily defined to mean fees which are charged to all students and are used to fund student activities and programs. These fees are also dedicated to repaying bonds and other indebtedness for facilities such as dormitories, hospitals, infirmaries, dining halls, parking facilities, and student, faculty, and employee housing.

In 1980, legislation was enacted which gave students an assured role in proposing budgetary recommendations on the use of these fees. The legislation required the creation of a services and activities fees committee, with the majority of the members to be students chosen by the school's student government.

The committee makes initial budgetary recommendations to their college or university administration. The administration must respond in writing to the recommendations, with the response outlining areas of difference between the committee's and the administration's proposed budget recommendations.

Next, the administration submits both recommendations, with supporting documents, to the governing board. The board is directed to consider the areas of difference between the two proposals, and to allow a student representative of the committee to address them concerning those differences.

Finally, the law directs that general institutional and state policies be followed in depositing and expending the fees, and that information on the services and activities fees budget be made available to interested parties.

SUMMARY:

The Legislature intends that students propose budgetary recommendations on the use of services and activities fees to the school's administration and governing board.

The chair of the services and activities committee will be selected by the committee.

The committee will submit budget recommendations to the administration with informational copies to the governing board. If the administration responds with different recommendations, that response, with supporting documentation, must be given to the committee and the board. If the committee and the administration do not agree, they shall make a good faith effort to resolve any disputes before submitting final recommendations to the governing board.

Unless funds are needed for bond covenant obligations, once a budget is approved by the board, funds must not be shifted from associated students or departmentally related categories until the administration provides written justification to the committee and the board, or until the board or the student governing organization gives its approval.

Any fees collected in excess of the approved budget must be handled through the statutory process.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 686

C 75 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Sayan and Lux)

Reducing compensation for disability by the amount of unemployment benefits.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries determines eligibility for temporary total disability compensation based on whether an industrial injury prevents the worker from returning to the gainful employment for

which he or she is qualified. In contrast, unemployment compensation benefits are paid to eligible claimants who are able to work and who are ready and willing to accept suitable work that may be offered. A claimant for unemployment benefits must also be actively seeking work. Nothing in statute specifically prohibits a person from claiming both benefits.

SUMMARY:

A claimant is disqualified from receiving unemployment compensation for any days in which the individual is receiving benefits under workers' compensation for either temporary or permanent total disability.

VOTES ON FINAL PASSAGE:

House	92	0
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 803

C 250 L 86

By Committee on Judiciary (originally sponsored by Representatives Scott, Silver, Armstrong, Schmidt, Locke, Tilly and J. Williams)

Prescribing penalties for criminal mistreatment.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Although relatively few cases have been decided nationally, common law in the United States appears to impose a legal duty upon persons to prevent the death of another in four general circumstances: (1) where there is a statutory duty; (2) where there is a special relationship between the parties; (3) where a contractual duty to provide care has been assumed; and (4) where one has voluntarily assumed the care of another and secluded the helpless person so as to prevent aid by others. A special relationship has been held to impose a duty to provide food, shelter, and medical treatment to minor children and helpless spouses. Washington courts have recognized a common law duty to preserve the life of minor children and adult disabled children.

There is no duty at common law to preserve the health of another. The law does impose a duty to preserve the health of a minor child. Abandonment of a child is a class C felony. Nonsupport of a child is a gross misdemeanor.

SUMMARY:

The crime of criminal mistreatment is created. Parents and persons to whom the physical custody of children are entrusted may be charged for failure to provide food, shelter, clothing, or health care. Persons entrusted with the care of physically or mentally disabled dependents may also be charged. In addition, persons entrusted with the care of dependents of extreme advanced age may be charged for failure to provide care.

Reckless failure to provide food, shelter, clothing, or health care which results in serious permanent disfigurement or a permanent loss or impairment of body parts or organs, is a class B felony. Reckless failure to provide food, etc., which creates a substantial risk of death or permanent injury, or which causes temporary but substantial disfigurement or impairment, is a class C felony.

The withdrawal of medical life support is not an offense. Poverty is a defense to criminal mistreatment, but only if reasonable effort was made to obtain assistance.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Senate	41	0	(Senate receded)

EFFECTIVE: June 11, 1986

HB 1058

C 38 L 86

By Representatives Cole, Brooks and Ballard

Exempting certain emergency calls from provisions prohibiting interception or recording of private communications.

House Committee on Judiciary

Senate Committee on Energy & Utilities

HB 1058

BACKGROUND:

State law grants persons a right of privacy in their conversations or communications. The law generally prohibits the interception or recording of conversations or communications unless all parties agree to the interception or recording. There are three legal consequences for most improper interceptions or recordings. First, the person improperly making the interception or recording may be charged with a crime. Second, in any criminal action against a person whose right of privacy has been violated, the improper interception or recording cannot be introduced. Third, the person whose right has been violated has a civil cause of action against the interceptor or recorder for actual damages or liquidated damages of up to $1,000, and reasonable attorney fees.

Court orders may be obtained for surreptitious recordings or interceptions under some circumstances. There are also some circumstances under which a recording or interception may be made without either a court order or the consent of all parties. One of these exceptions to the general prohibition against recording or intercepting is for incoming calls to police or fire department personnel.

SUMMARY:

The class of incoming phone calls that may be recorded or intercepted without consent and without court permission is expanded. In addition to police and fire calls, incoming calls to emergency medical personnel, emergency communication personnel and poison control personnel are exempted.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	0

EFFECTIVE: June 11, 1986

SHB 1134

PARTIAL VETO

C 269 L 86

By Committee on Social & Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

Currently, the Department of Social and Health Services (DSHS) does not have the authority to investigate potential employees' criminal history. Screening is limited to the applicant's education and employment experience. The only reference to criminal history is a brief question on the state employee application form, which cannot be further verified. This has been a problem, especially when screening employees who have direct responsibility for supervision, care, and treatment of children and developmentally disabled persons.

State employees who work in state institutions that come under the jurisdiction of the Secretary of DSHS may be subjected to assaults from patients of such institutions. In some cases, the employee may have to use sick leave or vacation leave when recovering from the assault.

SUMMARY:

The Department of Social and Health Services (DSHS) is required to investigate conviction records or pending charges of persons applying for positions directly responsible for the supervision, care and treatment of children or developmentally disabled persons. The Department may use state and national criminal identification data and the child abuse registry in its investigation. Information obtained will be used solely for determining the character, suitability, and competence of the applicant.

A supplementary program is created to reimburse institutional care employees of DSHS for costs related to being assaulted by residents, patients or inmates.

Employees are entitled to reimbursement if the Secretary of DSHS finds that the following has occurred: 1) As a result of an assault by a resident or patient, the employee is injured so as to miss days of work; 2) The assault cannot be attributable to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and 3) the employee's compensation application has been approved.

Full reimbursement is authorized for each workday missed where the employee is ineligible to be compensated under worker's compensation. Employees receiving worker's compensation are required to be reimbursed to the extent that, when reimbursement is added to that compensation, full pay is received.

Reimbursement is limited to 365 consecutive days and is only authorized for absences which the Secretary or the Secretary's designee determines are justified. Employees are not entitled to reimbursement for any workday for which they have not diligently pursued worker's compensation remedies. Reimbursement payments are required to be made by DSHS, are considered a salary expense and are to be paid in the same manner and from the same appropriations as other salary expenses of DSHS.

VOTES ON FINAL PASSAGE:

House	88	0	
Senate	45	2	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	43	1
House	98	0

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The provision that permits DSHS employees injured by assault to receive retirement credit for the period of their disability was vetoed. This provision is also found in House Bill 1652, which was signed into law. (See VETO MESSAGE)

SHB 1148

C 88 L 86

By Committee on Judiciary (originally sponsored by Representatives Belcher, Locke, Armstrong, Valle, Fisher, Crane, Wang, R. King, Tanner, Allen, Miller, Long, Brekke, Niemi, Lewis, Cole, Leonard, Wineberry and Van Luven)

Regulating strip searches.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1983, the legislature enacted restrictions on the conduct of strip searches and body cavity searches by law enforcement agencies. Search warrants are required prior to any body cavity search. Less intrusive search methods must be used before a search warrant is sought. Agencies conducting body cavity searches must keep records of the authorization for, and conduct and results of, the search.

All body cavity and strip searches must conform to certain procedural rules. Strip searches may not involve touching of the person searched except as reasonably necessary to conduct the search. Body cavity searches must be conducted by medical personnel. Strip and body cavity searches must be done by persons of the same gender as the person being searched, unless done by medical personnel. Persons to be searched may request the presence of a readily available person who is not also in custody.

Persons who are searched in violation of the law may bring a civil action for actual damages.

The 1983 law also directed the corrections standards board to recommend categories of persons in custody who should not be subject to search. Several judicial decisions, including a November, 1984 decision of the 9th Circuit Court of Appeals, Giles v. Ackerman, have imposed limitations on the conduct of strip searches of persons in custody. In December, 1984, the corrections standard board adopted emergency rules to comply with the Giles decision.

SUMMARY:

Restrictions are placed on the conduct of strip searches. The restrictions affect which persons in custody may be searched and under what circumstances they may be searched. The restrictions do not apply to persons held for post-conviction supervision. They do apply to any other person in custody at a holding, detention or local correctional facility other than any person not to be released on personal recognizance or bail.

Search warrants are required for strip searches except in three situations. No warrant is required if probable cause exists to believe criminal evidence is concealed on the person's body. No warrant is necessary if reasonable suspicion exists that a person has a health condition requiring immediate care. Finally, no warrant is necessary if there is a reasonable suspicion that weapons, evidence or contraband are being concealed that pose a threat to security. Reasonable suspicion is deemed to exist if the person was arrested for a violent offense, a drug offense, or an offense involving escape, burglary or the use of a deadly weapon.

A person arrested for other than a violent offense, a drug offense or an offense involving escape, burglary or the use of a deadly weapon, may be strip searched only upon an individual determination that reasonable

suspicion or probable cause exists. In cases of individual determination, prior written approval of a correctional facility supervisor must be obtained, and less intrusive means of searching must be used first.

Written records of all strip searches must be maintained in the file of each person searched.

Persons may be given a physical exam for public health purposes, but only if conducted by a medical person under separate statutory authority.

Governmental entities and their employees are insulated from liability for injuries or damage resulting from having to wait for a search warrant in order to do a strip search.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	0	

EFFECTIVE: June 11, 1986

SHB 1177

C 82 L 86

By Committee on Environmental Affairs (originally sponsored by Representative Lux)

Providing public access to records of hazardous waste handlers.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

Hazardous waste handlers are required to supply various records to the Department of Ecology. These include a notification form informing the department that hazardous wastes are being generated and an annual report summarizing the type of wastes generated. There is no requirement for these forms to be supplied to local emergency response agencies.

SUMMARY:

Hazardous waste handlers must, whenever requested, provide local fire departments or fire districts copies of annual reports and notification forms. Transporters of hazardous wastes are exempt from this requirement.

VOTES ON FINAL PASSAGE:

House	93	1	
Senate	45	0	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: June 1, 1986

SHB 1182

C 152 L 86

By Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betrozoff, Schoon, Jacobsen, Miller, Isaacson and Tilly; by Washington Traffic Safety Commission request)

Requiring the use of safety belts and child safety seats in motor vehicles.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

All newly-manufactured trucks, vans, buses and passenger cars must meet the manual seat belt and passive restraint criteria of federal Motor Vehicle Safety Standard 208. (A manual belt is one that requires the occupant to lock the system in place; a passive restraint deploys automatically.) The 208 Standard defines the manual seat belt and passive restraint criteria for each designated seating position in newly-manufactured vehicles. Beginning in 1965, the federal government required that new passenger cars be equipped with seat belts (front outboard seating positions in 1965; all seating positions in 1968). Beginning in 1972, all trucks and vans were required to be equipped with belts in all designated seating positions. A seat belt for the driver only is required for buses.

In July 1984 the U.S. Department of Transportation issued a rule requiring automatic occupant restraints in all newly-manufactured passenger automobiles based on a four-year phase-in schedule. The phase-in schedule is as follows: 10 percent of all automobiles manufactured after September 1, 1986; 25 percent of those manufactured after September 1, 1987; 40 percent of those manufactured after September 1, 1988; 100 percent of those automobiles manufactured after September 1, 1989. Automatic protection is to be provided to the driver and front seat passenger; the

front center seat is exempt. Rear seats are not covered by the automatic protection requirements.

The rule, however, will not apply if, before April 1, 1989, state legislatures representing two-thirds of the U.S. population enact mandatory seat belt use laws.

SUMMARY:

Seat belts are required to be used by any person occupying a seat in a motor vehicle which is required to be equipped with a seat belt. If all required seat belt positions are occupied, additional passengers need not be secured. A motor vehicle includes a passenger car, truck, van and bus. The provisions of the bill do not apply to vehicles that are not required to meet the manual seat belt safety standards set forth in Motor Vehicle Safety Standard 208; that is, belts are not required to be installed in vehicles that were not federally mandated to be manufactured with belt assemblies.

Violation is a traffic infraction. However, warning tickets only may be issued until January 1, 1987. After January 1, 1987, a traffic infraction is issued for noncompliance. The fine is not specified and will be set by the Supreme Court in accordance with the traffic infraction statutes (a minimum fine of $20 is imposed for any infraction not specified). Traffic infractions issued for violation of the mandatory seat belt provisions are not included on the driver's abstract available to insurance companies.

Enforcement is a secondary action; i.e., the driver must be detained for another suspected violation. Anyone 16 years of age or older who is driving or riding in a motor vehicle equipped with seat belts may be issued a ticket. A citation is issued only to the driver when passengers under 16 are not secured in a seat belt or child restraint system.

A driver or occupant with a waiver from a licensed physician for physical or medical reasons is not required to wear a seat belt. A physician is not liable for civil damages when issuing or refusing to issue a waiver. The Commission on Equipment may adopt rules exempting occupants of farm vehicles, construction equipment and vehicles making frequent stops.

Failure to comply does not constitute negligence, nor may failure to wear a seat belt be admissible as evidence of negligence in any civil action. This same liability clause is provided in the child restraint law.

The Traffic Safety Commission is to conduct a study on the effectiveness of the program and report its findings to the Legislative Transportation Committee by January 1, 1989.

VOTES ON FINAL PASSAGE:

House	71	22	
Senate	33	15	(Senate amended)
House	75	20	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1218

C 252 L 86

By Committee on Transportation (originally sponsored by Representatives Walk and Tilly)

Permitting local government financing of street projects.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

For many years local governments have been able to contract with the owners of proposed developments for municipal system improvements necessitated by growth attributed to the development.

This means of financing system expansions was first placed in statute in 1959 and applied to sewer and water utilities. The law originally applied only to cities and towns; in 1981 it was amended to include counties.

The concept was expanded in 1983 to include road and street improvements.

Under these statutes an owner brings the development proposal to the local government. If the development will require expansion of a publicly-owned utility or road system, the local government and the owner may contract for the owner's financing of the improvement to the system.

If it is anticipated that other land in the area will undergo similar development in the near future, the local government may require the improvements be sized for increased capacity. Under the contract between the local government and the original developer, the lands which develop later--the "latecomers"--owe the developer who paid for the improvements a pro rata reimbursement for the benefit provided to them.

A description of the area of benefit and the likely assessment on each parcel is sent by registered mail to

each property owner, any one of whom may force a public hearing on the proposal.

The reimbursement amount owed by the "latecomers" is limited in two ways: 1) no reimbursement is due until the land undergoes development; and 2) both statutes limit recovery to 15 years from time of original construction.

Owners who never develop their land and those who develop after the fifteenth year owe nothing under these statutes.

SUMMARY:

Local governments are allowed to financially participate in the "latecomer" contractual arrangement. Under certain circumstances, latecomers can be required to repay the local government and the original developer a portion of the cost of improvements put in place by the local government and original developer.

The local government's participation can occur only after the local government adopts an ordinance which specifies the conditions of its financial involvement.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	45	2

EFFECTIVE: June 11, 1986

SHB 1270

C 107 L 86

By Committee on Local Government (originally sponsored by Representative Haugen)

Revising provisions on local property tax levies.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Regular property taxes are subject to a number of limitations and restrictions, including the following: (1) Each unit of government that can impose property taxes has a maximum rate for the tax specified in statute. (2) The Constitution requires that property taxes imposed by a taxing district be uniform throughout the taxing district. (3) Regular property taxes of a taxing district in any year cannot exceed 106 percent of the highest property taxes by that taxing district in any of the last three preceding years, not including taxes on new construction. (4) The Constitution provides that the cumulative total of regular property taxes, not including port district and public utility district taxes, on a piece of property in any year cannot exceed one percent of its fair market value. (5) This constitutional cumulative maximum is further reduced in statute, with a few exceptions, to $9.15 per $1,000 of assessed valuation. (6) The regular property taxes of some taxing districts take precedent over, or are senior to, regular property taxes of other taxing districts if the cumulative limits are reached, thus causing elimination or reduction of the taxes of the junior taxing authorities to reach the cumulative limits.

During the 1970's and early 1980's property values rapidly increased. The 106 percent limitation lowered the tax rates of individual taxing districts. These reductions opened up taxing capacity, under the cumulative limitations, that could be used by junior taxing authorities. Recently property values have stabilized, or even decreased, and the taxing capacities for junior taxing districts are reduced.

This reduction in available capacity has resulted in significantly lowered annual taxes for various junior taxing authorities in certain circumstances. In several instances geographically large junior taxing districts have transferred funds to other geographically smaller taxing districts, in return for the other taxing district voluntarily lowering their tax rates. These transfers and reductions of tax rates have kept the geographically large junior taxing districts from severe reductions in regular property taxes.

SUMMARY:

Taxing districts may enter into a contract with one another where the contract is in part contingent on one taxing district reducing its regular property tax levy rate in return for a transfer of funds from another taxing district.

Transfers of funds from one taxing district to another taxing district are expressly authorized where the second taxing district regular property tax rate may affect the regular property tax rate of the first district and the transfer is part of an agreement where proration or reduction of property tax rates is lessened or avoided.

The 106 percent limitation is altered so that if a taxing district reduces its regular property tax rate below what is otherwise allowable under the 106 percent limitation for property taxes collectible in 1987 through 1991, the 106 percent limit is applied to the

taxes that could have been imposed instead of the taxes that were actually imposed.

The Local Governance Study Commission must study the financial situation of junior taxing districts and report its recommendations to the Legislature on or before December 1, 1987.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	43	4	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1331

C 155 L 86

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld)

Establishing a citizens' commission on salaries for elected officials.

House Committee on Constitution, Elections & Ethics

Senate Committee on Governmental Operations

BACKGROUND:

Under the state Constitution, the salaries of members of the Legislature and other elected state officials are established by the Legislature. House Joint Resolution 49 is a proposed constitutional amendment which will be on the 1986 General Election ballot. It would amend the state's Constitution to authorize a commission, created and directed by statute, to fix the salaries of members of the Legislature, elected officials of the executive branch of state government, and state judges. Under the proposal, a change of salary filed by the Commission would become law 90 days after being filed with the Secretary of State but would be subject to a referendum petition filed during the 90-day period.

The Legislature has created by statute a State Committee on Salaries. The Committee sets limits for the salaries to be paid to agency officials. The Committee also studies the duties of all elected state officials and must report to the Governor and the Legislature, in each odd-numbered year, its recommendation for the salaries to be established for each position.

SUMMARY:

SALARY COMMISSION. In order to implement House Joint Resolution 49, the Washington Citizens' Commission on Salaries for Elected Officials is created. The Commission consists of 15 members: 8 selected by lot by the Secretary of State from among the state's registered voters; and 7 selected jointly by the President of the Senate and the Speaker of the House. Of the 8 chosen by lot, one must be selected from each Congressional district. The Secretary will establish policies and procedures for conducting the selection. The seven selected by the President and Speaker must be residents of this state and must have had experience in the field of personnel management. Five of these are to be selected from certain specified groups and two are to be recommended by certain appointed officials.

The names of the persons selected are to be forwarded to the Governor who must appoint these persons to the Commission. Commission members hold office for 4-year terms and no person may be appointed to more than two such terms. No state official, public employee, or lobbyist required to register under the state's public disclosure statutes, or immediate family member of such a person, is eligible for membership on the Commission. No member of the Commission may be removed by the Governor during his or her term of office except for certain causes or a disqualifying change of residence. A vacancy shall be filled by selection and appointment as originally provided within 30 days of the date the position becomes vacant.

Members of the Commission will receive no compensation for their services, but are eligible to receive a subsistence allowance and travel expenses as provided by law. The members are to select a chairperson from among their number.

SALARY SCHEDULE. The Commission is to study the relationship of salaries to the duties of members of the Legislature, elected officials of the state's executive branch, state judges and district court judges and will fix the salary for each respective position. Its initial schedule of salaries shall be filed not later than the 1st Monday in June, 1987, and a schedule must be filed biennially thereafter. Each schedule shall be certified by the chairperson of the Commission and shall be: filed in legislative bill form; assigned a chapter number; published with the session laws of the Legislature; and codified by the Statute Law Committee. The schedules become law 90 days after filing. State laws regarding referendum petitions apply to such schedules to the extent consistent with the proposed Constitutional amendment on this subject. Salaries of the officials

that are in effect on January 12, 1987, will continue in effect until modified by the Commission.

The Commission will hold no fewer than 4 public hearings on a salary schedule within 4 months prior to filing the schedule. All meetings and business of the Commission are subject to the Open Public Meetings Act.

OTHER. The name of the current State Committee on Salaries is changed to the State Committee on Agency Officials' Salaries and the authority of that Committee to recommend salaries for state elected officials is deleted. The chairperson of the Council of Presidents of the state's 4-year institutions of higher education replaces the president of Washington State University as a member of this committee.

Sections of law are repealed which require that: the Governor transmit, in his or her budget, recommendations regarding the salaries of state elective officials; the salaries set by the Legislature for such officials in its appropriation bill be the salaries of such officials; and the salaries contained in the appropriation bill be printed in the Revised Code of Washington.

VOTES ON FINAL PASSAGE:

House	64	33	
Senate	35	13	(Senate amended)
House			(House refused to concur)
Senate	36	10	(Senate amended)
House	65	33	(House concurred)

EFFECTIVE: January 1, 1987
(Pending approval of SHJR 49)

SHB 1332

C 52 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Tilly, Brekke, Brough, Holland, Tanner, P. King, Winsley, J. Williams, McMullen, Leonard, Van Luven, Armstrong, Ballard and May)

Allowing consumer choice of brand name or generic drugs.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The Generic Drug Substitution Act permits physicians to indicate on their prescription forms whether less costly generic drugs may be substituted for equivalent brand name drugs. The Board of Pharmacy is interpreting the act as requiring, rather than merely authorizing, the pharmacist in filling the prescription to substitute the generic drug without regard to the patient's wishes.

SUMMARY:

The intent of the Generic Drug Substitution Act is clarified to authorize a pharmacist to substitute an equivalent generic drug for a brand name drug, when authorized by a physician on a prescription form unless the patient or the patient's representative requests the brand name drug.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	37	0

EFFECTIVE: June 11, 1986

SHB 1333

PARTIAL VETO

C 270 L 86

By Committee on State Government (originally sponsored by Representatives Sommers, B. Williams, G. Nelson, Grimm, Tilly, P. King, Van Luven, Sayan, and Unsoeld; by request of Legislative Budget Committee)

Modifying the termination and repeal of various state agencies and programs.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The sunset process is a process by which state entities (or regulations) are reviewed and evaluated for efficiency and effectiveness. It is unique in that entities are scheduled for termination in statute. One year following the termination date, statutes containing the enabling legislation for terminated entities are repealed. Entities cease to exist at this point unless extended by the legislature.

One year prior to termination, the Legislative Budget Committee is required to review and study the affected entities and to prepare a report on its findings. Reports are submitted to the appropriate legislative committees.

Entities can also be terminated without being subject to sunset review when the review and termination is provided in statute but not included under sunset laws.

The following entities and regulations are scheduled for sunset review and termination on the dates as designated below:

June 30, 1987

- State Cemetery Board
- Judicial Council
- Regulation of Nursing Profession (Nursing Assistants, Registered Nurses, Licensed Practical Nurses)
- Nursing Home Advisory Council
- Emergency Medical Services Committee
- Regulation of Funeral Directors and Embalmers

June 30, 1988

- Asian-American Affairs Commission
- Washington Council for the Prevention of Child Abuse and Neglect

June 30, 1989

- Municipal Research Council
- Snowmobile Advisory Council (in State Parks and Recreation Commission)
- State Advisory Committee (in Department of Social and Health Services)
- Department of Community Development

June 30, 1993

- State Capitol Historical Association
- Eastern Washington State Historical Society
- Washington State Historical Society
- Office of Archaeology and Historic Preservation
- Advisory Council on Historical Preservation
- Washington State Heritage Council

The State Boxing Commission is scheduled for non-sunset termination on June 30, 1987, with a Legislative Budget Committee audit due on December 30, 1986.

The Criminal Justice Training Commission and the State Energy Office are scheduled for non-sunset termination on June 30, 1987.

SUMMARY:

The following entities are rescheduled for sunset termination on June 30, 1989:

- Nursing Home Advisory Council
- Emergency Medical Services Committee
- Asian-American Affairs Commission
- Washington Council for the Prevention of Child Abuse and Neglect

The following entities and regulations which are currently scheduled for sunset termination are removed from the sunset review and termination process. The entities and regulations will continue to exist without further review, unless such review is required by a future act of the Legislature.

- State Cemetery Board
- Regulation of Nursing Profession (Nursing Assistants, Registered Nurses, Licensed Practical Nurses)
- Municipal Research Council
- Snowmobile Advisory Council (in State Parks and Recreation Commission)
- State Advisory Committee (in Department of Social and Health Services)
- Department of Community Development
- State Capitol Historical Association
- Eastern Washington State Historical Society
- Washington State Historical Society
- Office of Archaeology and Historic Preservation
- Advisory Council on Historical Preservation
- Washington State Heritage Council
- Regulation of Funeral Directors and Embalmers

The Judicial Council, which is inactive, is removed from sunset review and its enabling legislation is repealed.

The non-sunset termination of the State Boxing Commission is repealed and the Legislative Budget Committee audit is cancelled.

The non-sunset terminations of the Criminal Justice Training Commission and the State Energy Office are repealed. Both the Commission and the Office will continue to exist and are not scheduled for termination in statute.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	0	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: April 3, 1986

PARTIAL VETO SUMMARY:

The veto deletes two subsections which would have removed the Cemetary Board from the sunset review process. The impact of the veto is that the Cemetary Board will undergo sunset review in 1986 for consideration by the 1987 Legislature. (See VETO MESSAGE)

SHB 1335

C 33 L 86

By Committee on State Government (originally sponsored by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld)

Modifying requirements for personal services contracts.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

DEFINITION OF PERSONAL SERVICES CONTRACTS. Personal services contracts are defined for filing purposes (RCW 39.29) as agreements (including amendments and renewals to agreements) with independent contractors for performing a specific study, project or task which requires professional or technical expertise. Typically, these services include financial or accounting services, administrative or organizational services, engineering or architectural services, medical or health services, scientific research services, surveys, etc. Personal services do not include "routine, continuing and necessary services" such as maintenance, operation of a physical plant, security, etc.

STATUTORY GUIDELINES FOR ENTERING INTO PERSONAL SERVICES CONTRACTS. With the exception of architectural and engineering services, the authority to enter into personal services contracts rests with each individual agency of the executive, judicial and legislative branches of state government. With the exception of architectural and engineering services and bond council and underwriting services for the Housing Finance Commission and the Higher Education Facilities Authority, there are no statutes which set forth procedures or guidelines to be used in awarding personal services contracts (although contracts must be filed after they are negotiated and before work begins), nor is there any central authority responsible for procuring such contracts.

OVERSIGHT REQUIREMENTS - FILING OF CONTRACTS. While state law does not specify how personal services contracts are to be awarded, it does provide for an oversight mechanism once a contract has been negotiated. Specifically, state law provides that personal services contracts are to be filed with the Office of Financial Management (OFM) and the Legislative Budget Committee (LBC) at least ten days prior to the commencement of work (filing may be delayed in the case of an emergency). The Director of Financial Management may exempt certain contracts associated with the executive or judicial branches from filing requirements after consulting with the legislative auditor. Requests for exemptions or filing delays for contracts associated with legislative committees or employees are to be filed with the Legislative Budget Committee.

EXEMPTIONS FROM FILING. The following commissions and types of contracts are exempt from the filing requirements described above:

- Washington State Apple Advertising Commission, Washington State Fruit Commission, Washington Tree Fruit Research Commission, Washington State Beef Commission, Washington State Dairy Products Commission, some agricultural commodity commissions;
- Contracts with fees less than $2,500, providing that the total value of contracts between the agency and the contractor within a 12-month period does not exceed $2,500;

- o Contracts awarded through a formal, documented, competitive-bid-procedure where the request for bids is advertised through the media normally used by the particular service being requested (OFM may require filing of some contracts which meet these criteria);
- o Contracts where the contracting agency recognizes an employee-employer relationship;
- o Contracts awarded to companies that furnish a service where the tariff is established by the Utilities and Transportation Commission or other public entity;
- o Intergovernmental agreements awarded to any public corporation; and
- o Contracts awarded for services to be performed for a standard fee when the fee is set by the agency and a similar contract is available to any qualified applicant.

SUMMARY:

ANNUAL REPORT. Each agency is required to submit an annual report listing every personal services contract entered into or amended during the preceding fiscal year. The report is to explain for each contract: 1) whether it was competitively bid, 2) whether it was filed under the existing statutory filing requirements, 3) whether it was reported as a personal services contract for accounting purposes, and 4) the maximum cost of the contract.

The reports are to include contracts: (1) For all personal services as defined in existing law; (2) for those services which are excluded under existing law because they are considered routine, continuing, and necessary in nature; (3) for architectural and engineering services; and (4) for those services which are exempt from filing because they are for less than $2,500, they are competitively bid, or because an employee-employer relationship exists.

The Director of Financial Management is required to establish procedures necessary for submitting reports including establishing a format for reporting contracts and the establishment of categories in which contracts may be grouped.

The first reports are to be submitted by October 31, 1986 and are to be submitted to the Office of the Governor, the Office of Financial Management, and the Legislative Budget Committee.

VOTES ON FINAL PASSAGE:

House	92	0
Senate	38	0

EFFECTIVE: June 11, 1986

HB 1337

C 204 L 86

By Representatives Sommers, Niemi, B. Williams, Braddock and P. King

Repealing the conflict-of-interest exemption for the Washington state development loan fund committee.

House Committee on Constitution, Elections & Ethics

Senate Committee on Commerce & Labor

BACKGROUND:

In general, the Executive Conflict of Interest Act: prohibits state employees from participating or assisting in certain transactions involving the state; prohibits them from seeking or receiving gifts or other things of economic value given because of their positions; restricts the compensation or consideration that certain employees may receive for their personal services; and limits certain actions of former employees of the state. Nothing in the Act is to be interpreted to prevent a member of a board, committee, or other body required or permitted by statute to be appointed from any identifiable group or interest from serving on the body in accordance with the intent of the Legislature in establishing the body. Further, nothing in the Act may apply to prevent a member of the Washington State Loan Fund Committee from fully participating in Committee decisions to loan to or otherwise deal with any person or entity in which the member is in any way interested or involved.

The Washington State Development Loan Fund Committee is an entity within the Department of Community Development. The Committee is composed of seven members appointed by the Director of the Department with the following qualifications: three must be experienced in investment finance and have skills in providing capital to new and innovative business, in starting and operating businesses and providing professional services to small or expanding

businesses; two must be residents of distressed areas; one must represent organized labor; and one must represent a minority business. The Committee is authorized to approve applications of local governments for federal community development block grant funds within certain statutory guidelines, and to make grants of certain funds to federally qualified entitlement communities.

SUMMARY:

A provision of the Executive Conflict of Interest Act is repealed which states that nothing in the Act shall apply to prevent a member of the Washington State Loan Fund Committee from fully participating in Committee decisions to loan to or otherwise deal with any person or entity in which the member is in any way interested or involved.

The Committee is authorized to approve an application which results in a loan or grant of up to $700,000 (rather than the current $350,000 limit) if the application has been approved by the Director of the Department of Community Development. The circumstances under which the Committee may make grants of funds to federally qualified entitlement communities are altered.

VOTES ON FINAL PASSAGE:

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

Free Conference Committee

Senate	44	0
House	71	27

EFFECTIVE: June 11, 1986

HB 1339

C 132 L 86

By Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betrozoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

Stating that children shall attend school.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Parents are required to have their children under age eighteen attend school. Failure to fulfill this obligation means that the parent may be fined twenty-five dollars per day for each day of the child's unexcused absence. The fine may be suspended on the condition the child attend school. Failure to pay fines or continued failure of the child to attend school may expose the parent to a finding of contempt of a court order and imprisonment until the parent is in compliance with the order.

SUMMARY:

A child has the responsibility to attend school. This responsibility is in addition to the responsibility of a parent to have a child attend school. If a child fails to attend school, the school district will inform the child's parents or guardian, set up a conference to determine the reasons for the child's absence and take steps to eliminate or reduce the child's absence. These steps will include: 1) adjusting the child's school program or course assignments, and 2) providing more individualized or remedial instruction or preparing the child for employment with specific vocational courses, work experience or both.

If the adjustments in the child's school program or parental contact does not substantially reduce the child's absences, the following actions may be taken: 1) The school district attendance officer and school district attorney may petition the juvenile court alleging violation of the compulsory attendance law by the parent or 2) A petition alleging violation of the compulsory attendance law by the child may be filed by the school district with the consent of the parent or the the parent may file the petition directly. If the school district files the petition with the parents' consent, the prosecuting attorney or the school district attorney will present the case. If the parent initiates the action without the assistance of the school district, the parents must provide their own attorney.

A child found in violation of the compulsory attendance law will be required to attend school. If a child fails to comply with an order issued by the juvenile court, the child may be detained for a period not greater than that permitted for contempt proceedings against a child.

It will be a defense for a parent charged with violation of the compulsory attendance laws that the parent has exercised reasonable diligence in attempting to have a child attend school.

Twice a year, school district attendance officers must report to the superintendent of the appropriate educational service district the following information: 1) The number of petitions filed to enforce the compulsory attendance laws by the school district or parents, 2) The frequency with which modification of the child's school program was used prior to filing an enforcement action, 3) Disposition of the petitions filed in juvenile court, and 4) The frequency of issuance of contempt orders in these cases. The Superintendent of Public Instruction will compile the information collected by the educational service districts and present it to the Legislature by January 1, 1988.

VOTES ON FINAL PASSAGE:

House	86	10	
Senate	40	6	(Senate amended)
House	90	6	(House concurred)

EFFECTIVE: June 11, 1986

HB 1345

C 61 L 86

By Representatives Belcher, Madsen and Unsoeld

Transferring the legislative information system from the code reviser to a newly created legislative systems committee.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Statute Law Committee and the Legislative Information System. The Statute Law Committee was first created in 1951. The Committee, consists of twelve attorneys, employs and oversees the activities of the Code Reviser. The Code Reviser's Office is responsible for a number of services, including the Legislative Information System (LIS). The LIS is a data processing service available to the legislative branch. This service includes the legislative digest, history of bills, text of bills, the daily status reports, special reports to legislative members and staff and automated law search services.

SUMMARY:

Joint Legislative Systems Committee. A new legislative committee called the Joint Legislative Systems Committee (Systems Committee) is created to oversee the direction of the information processing and communications systems of the legislature. The Committee is also charged with enforcing the policies, procedures and standards established under this act and with employing a Legislative Systems Coordinator.

The eight members of the Systems Committee are as follows:

- The Speaker of the House of Representatives;
- The Minority Leader of the House of Representatives;
- A member from each of the two largest caucuses in the House of Representatives appointed by the Speaker of the House of Representatives;
- The Majority Leader of the Senate;
- The Minority Leader of the Senate; and
- A member from each of the two largest caucuses in the Senate, appointed by the Majority Leader of the Senate.

The initial members are to be appointed within five days of the effective date of the act (there is an emergency clause) and are to serve until successors are appointed during the 1987 regular session. Thereafter, members will serve two year terms. The Systems Committee is to select a presiding officer and other officers as necessary and make rules for orderly procedure. Members are to receive travel expenses while attending meetings or on other official business.

Legislative Systems Administrative Committee. The Legislative Systems Administrative Committee (Administrative Committee) is created to manage the information processing and communications systems of the legislature. The five-member Administrative Committee consists of the following persons:

- The Secretary of the Senate and another Senate staff person appointed by and serving at the pleasure of the Secretary;
- The Chief Clerk of the House of Representatives and another House staff person appointed by and serving at the pleasure of the Chief Clerk; and
- The Code Reviser, or designee, who is to serve in a non-voting capacity.

Members of the Administrative Committee are to receive travel expenses while attending meetings or while on official business of the Committee.

Subject to the approval of the Systems Committee, the Administrative Committee is required to: 1) adopt policies, procedures and standards regarding the information processing and communications systems of the legislature; 2) establish appropriate charges for services, equipment and publications; 3) employ personnel as necessary; 4) enter into contracts if necessary in order to carry out the purposes of the act; 5) generally assist the Systems Committee; and 6) establish a Joint Legislative Service Center.

The Joint Legislative Service Center. The Joint Legislative Service Center (the Center) is to be established by the Administrative Committee and the Center's operations are to be generally supervised by the Administrative Committee. The Center is to provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. It is given the discretionary authority to provide services to judicial and executive branch agencies.

Legislative Systems Coordinator. The Legislative Systems Coordinator, who is appointed by the Systems Committee, is to: 1) serve as the executive and administrative head of the Center; 2) serve as the secretary of the Administrative Committee; and 3) generally assist the Administrative Committee in managing the information processing and communications systems of the legislature. Determinations regarding the security, disclosure and disposition of information in the center rests solely with the person who placed that information in the center. However, in the case of bill drafts placed in the center by the Code Revisor, determinations regarding security, disclosure and disposition are to be made by the person requesting the Code Revisor's services.

Transfer of Legislative Information System (LIS). Effective July 1, 1986, the powers, duties, functions, staff and administrative materials of the Statute Law Committee relating to the LIS are transferred to the Administrative Committee to be performed through the Center. Moneys appropriated to the Statute Law Committee which remain unspent are similarly transferred. The center is to provide all computer services needed by the Statute Law Committee for the remainder of the 1985 – 87 biennium. Thereafter, the Statute Law Committee is to be charged for the Center's services as are other users. If apportionments of funds are required, the Director of Financial Management is to determine proper allocations after consulting with the chairs of the House and Senate Ways and Means Committees.

Legislative Systems Revolving Fund. The Legislative Systems Revolving Fund is created for the deposit of moneys received by the Systems Committee, the Administrative Committee, and the Center. Similarly, the revolving fund will pay for expenses approved by the Systems Committee. The Senate and the House of Representatives may transfer moneys appropriated for legislative expenses to the revolving fund.

Data Processing Authority (DPA) – Exemptions. The legislature and legislative agencies are expressly exempted from statutory provisions relating to the Data Processing Authority. However, the DPA may provide services to legislative agencies at the request of the Systems Committee.

VOTES ON FINAL PASSAGE:

House	65	33
Senate	42	6

EFFECTIVE: July 1, 1986
March 12, 1986 (Sections 1–10 & 12)

SHB 1349

C 167 L 86

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher and P. King)

Altering procedures regarding the administration of elections.

House Committee on Constitution, Elections & Ethics

Senate Committee on Governmental Operations

BACKGROUND:

ELECTION BOARDS & PRECINCTS. State law requires the county auditor to appoint one inspector and two judges of election for each precinct (other than a vote by mail precinct) or each combination of precincts temporarily consolidated. Although the county auditor may combine or divide precincts for the purpose of holding a primary or general election, that authority does not apply to a state primary or general election held in an even-numbered year. The legislative authority of a county may establish and alter precinct boundaries within certain statutory limitations.

instituted mandatory civil arbitration to the maximum extent permitted by law. As such, the actual creation of new judicial positions is contingent upon counties: (1) requiring mandatory arbitration for all civil claims up to $25,000; and (2) requiring mandatory arbitration for civil actions where the sole relief sought is the establishment, termination, or modification of maintenance or child support payments.

Concern has been expressed that requiring some counties to use mandatory arbitration for support and maintenance issues would be more expensive and more time consuming than use of the court system.

The law provides that dispute resolution centers may be created and operated by a municipality, county, or by a corporation organized exclusively for the resolution of disputes or for charitable or educational purposes. Members of the board of directors of a center, employees and volunteers, and the dispute resolution itself have no special immunity from civil lawsuits.

Superior courts exercising jurisdiction in family law matters are referred to as "family courts." There is no statutory authority for counties to agree between themselves to provide for joint family court services, or for a family court to provide mediation services.

SUMMARY:

The requirement that a county adopt mandatory arbitration for child support and maintenance issues as a condition to the creation of new superior court judicial positions is modified. A county is eligible for new judicial positions without adopting an arbitration program for support or maintenance issues if: (1) the county uses a show cause or motion by affidavit calendar, or other procedure by which maintenance or support issues are decided on a summary basis; or (2) upon the request of a county, the office of the administrator for the courts determines that a mandatory arbitration program would be more costly and time consuming to the county than the procedure then in use in the county for determining support or maintenance issues.

The less populated counties are completely exempted from the requirement that a mandatory arbitration program be adopted as a condition to eligibility for new superior court judicial positions. The linkage between use of mandatory arbitration and eligibility for new superior court judgeships does not apply to counties of the third class or smaller, or to two- and three-county judicial districts with a population of less than seventy thousand.

Members of the board of directors of a dispute resolution center are immune from suits based on official acts performed in good faith. Employees and volunteers of a center are immune from suits for official acts except in cases of wilful or wanton misconduct. Dispute resolution centers are immune from suits based on acts by its employees except in cases of wilful or wanton misconduct or in cases of bad faith by members of its board.

Counties may make agreements between themselves to provide for joint family court services. A procedure is created for mediation of disputes in family court. In any family court proceeding, the court may set the matter for mediation and make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or any other person designated by the court. Mediation proceedings shall be held in private and shall be confidential. The purpose of the mediation is to reduce acrimony between the parties and assure a child's contact with both parents. The mediator shall assess the needs of the children involved in the controversy, and may interview the children if that is deemed appropriate. Any agreement reached by the parties shall be reported to the court.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	46	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1362

C 62 L 86

By Representatives Haugen, Basich, Braddock, McMullen, Zellinsky, Scott, Sayan, S. Wilson, Vekich, Lundquist, Fisch and P. King

Directing the design of an enhanced marketing plan for Washington fisheries.

House Committee on Agriculture

Senate Committee on Natural Resources

BACKGROUND:

State law designates the Department of Agriculture as the agency of state government for the administration

Deleted from law are requirements that the district provide suggestions for the facilities to the local legislation authority. Also deleted is a requirement that the facilities be installed in the same manner and time as other utilities.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	41	0

EFFECTIVE: June 11, 1986

SHB 1355

PARTIAL VETO

C 202 L 86

By Committee on Agriculture (originally sponsored by Representatives Madsen, R. King, Vekich, P. King, Baugher, Isaacson, Todd, C. Smith and K. Wilson)

Authorizing a Washington-bred horse marketing program.

House Committee on Agriculture

House Committee on Ways & Means

Senate Committee on Agriculture

BACKGROUND:

Legislation enacted in 1985 directed the Department of Agriculture to examine various means by which the state may promote and assist in the marketing of Washington-bred horses. The Department has reported its findings to the Legislature. State law designates the Department of Agriculture as the agency of state government for administering and implementing domestic and foreign agricultural market development programs. Among the powers and duties assigned to the Department are those to study the potential marketability of commodities and collect and analyze market data.

With certain exceptions, state law imposes a retail sales tax on each retail sale in this state. Among the sales not to be considered as retail sales for the purpose of that tax are sales of feed, seed, fertilizer and spray materials to persons for the purpose of producing for sale an agricultural product under certain circumstances. This exemption does not apply to the sale of an animal, or substance obtained from the animal, by a person in connection with the person's business of operating a stockyard or a slaughter or packing house. Among the food products exempted by law from the state's retail sales and use taxes are meat and meat products.

SUMMARY:

It is a power and duty of the Department of Agriculture to establish a program to assist in the marketing of Washington-bred horses. $45,000 is appropriated to the Department to pay for this program. The Department is required to present a proposal to the legislature for the elimination of state funding for this program by June 30, 1989.

Feed consumed by livestock at a public livestock market is exempted from the state's retail sales and use taxes. Livestock sold for personal consumption are added to the food products expressly exempted by law from the state's retail sales and use taxes.

VOTES ON FINAL PASSAGE:

House	85	10	
Senate	46	0	(Senate amended)
House	90	5	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The provisions of the bill establishing exemptions from the state's retail sales and use taxes for feed consumed by livestock at a public livestock market and for livestock sold for personal consumption were vetoed. (See VETO MESSAGE)

SHB 1356

C 95 L 86

By Committee on Judiciary (originally sponsored by Representatives Wang, Appelwick, Tilly, Scott, Armstrong, West and Locke)

Authorizing an exemption from mandatory arbitration in certain support and maintenance issues.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The number of superior court judges in each county is prescribed by statute. Any new superior court positions, including the positions created during the 1985 legislative session for Pierce, Clark, and Snohomish Counties, are effective only for counties that have

shall require the applicant to produce a record that establishes the applicant's date of birth.

MAINTAINING REGISTRATION RECORDS. The original voter registration form shall be filed alphabetically without regard to precinct and shall not be available for public inspection and copying. The automated file shall be the source of precinct lists of registered voters used at the polls. Lists of voters produced from the automated file are public records available for inspection and copying.

OTHER. Candidates for elective offices shall file declarations of candidacy not earlier than the fourth Monday (rather than the last Monday) of July of the election year. The end of the filing period remains the next succeeding Friday after the opening of the filing period. The oaths of office of certain public officials shall be filed with the county auditor. Provisions of law are repealed which: regulate the marking of paper ballots in a primary; and require the copying of voted ballot cards onto magnetic tape and regulate the retention and use of such a tape.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	39	7	(Senate amended)
House	89	6	(House concurred)

EFFECTIVE: June 11, 1986

HB 1350

C 42 L 86

By Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

Providing for annual adjustment to higher education tuition fees.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

In 1981, the legislature enacted a law requiring biennial adjustments of tuition and fees, beginning in the 1983–84 academic year. These biennial fee adjustments reflect the costs of educating various classifications of students during the previous two years. Presently, if tuition fees are scheduled to increase, the total biennial increase is spread evenly between the two years of the biennium. This results in a sharp increase the first year and no increase the second year.

SUMMARY:

Tuition fees will be established and adjusted annually, beginning in the 1987–88 academic year. The change to an annual tuition fee adjustment must not reduce the amount of revenue to the general fund.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	45	0

EFFECTIVE: June 11, 1986

HB 1353

C 39 L 86

By Representatives Rayburn, Vekich, Hastings and Tilly

Modifying requirements for approval of plats in irrigation districts.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The legislative authority of a city, town, or county may not approve a short plat or final plat for any division, parcel or site which lies in whole or in part within an irrigation district unless an irrigation water right-of-way has been provided for each parcel of land in the district. If the division, parcel or site lies within land classified as irrigable, it must contain completed irrigation water distribution facilities.

SUMMARY:

The law is altered which requires that a division, parcel, or site within an irrigation district and within irrigable lands contain completed irrigation water distribution facilities as a condition for the approval of a short plat or final plat for the division, parcel or site. The facilities are required for such an approval only if they are required by the irrigation district by resolution, bylaw, or rule of general applicability.

ABSENTEE BALLOT APPLICATIONS. State law authorizes a registered voter to vote by absentee ballot. Applications for such ballots may be made in person, by mail, or by messenger.

CASTING BALLOTS. Various provisions of the state's election laws require precinct election inspectors to remove ballot numbers from paper ballots and ballot cards after the voter has marked the ballot or card and to deposit the ballot in the ballot box. Each county with the facilities to do so must copy all voted ballot cards onto magnetic tape and retain the tape for at least 10 years.

SPECIAL DISTRICT ELECTIONS. Under certain circumstances state law authorizes a special election to validate a school district or junior taxing district excess levy or bond issue. Generally, such an election may be called at any time under certain circumstances.

ELECTION COSTS. The county auditor is to apportion the state's share of the expenses of a state primary or general election held in an odd-numbered year and file a claim of these expenses with the Secretary of State. Payments must be from appropriations specifically for this purpose.

VOTER REGISTRATION. An applicant for voter registration must establish his or her identity, unless personally known by the registration officer, by producing certain forms of identification. If the registration officer has a doubt as to the applicant's being of legal voting age, the officer may also require the applicant to produce a record establishing the applicant's date of birth.

MAINTAINING REGISTRATION RECORDS. State law in existence prior to 1975 requires voter registration records to be maintained as follows: (1) The original cards must be filed alphabetically by surname by precinct. Precinct registration records are open to public inspection under such rules as are adopted by the auditor. (2) The duplicates must be filed alphabetically without regard to precincts and are not open to public inspection. (3) Lists containing such registration information as the Secretary prescribes shall be arranged alphabetically by surname and by county.

Since 1975, county auditors have also been required to maintain voter registration records by means of a computer file.

OTHER. State law requires a declaration of candidacy for an elective office to be filed with the Secretary of State or the county auditor during a specified filing period. Oaths of office for elective positions are filed with a variety of offices.

SUMMARY:

ELECTION BOARDS & PRECINCTS. The county auditor may combine or divide precincts and may combine election boards for any primary or election. An "election board" is defined so as to permit one board to serve more than one precinct in a polling place.

As soon as possible after a city has annexed county territory, the county auditor shall temporarily adjust precinct boundaries. The temporary adjustments shall remain in effect until modifications reflecting the annexation are adopted by the county legislative authority. A county legislative authority may establish a limitation on the maximum number of registered voters in its precincts. The number may not exceed that established by law.

ABSENTEE BALLOT APPLICATIONS. An absentee ballot application shall be sent directly to the auditor of the county in which the voter is registered or, in certain instances, to the Secretary of State. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of a county auditor.

PLACING BALLOTS IN BALLOT BOX. State laws are altered with regard to the handling of ballots and ballot cards after they have been marked by voters. The inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box unless the voter expresses a desire to separate the slip or deposit the ballot or both. The inspector shall permit the voter to do so. Any voter separating the numbered slip must return it to the inspector. A provision of law is deleted that requires the immediate destruction of the numbers removed from the ballots.

SPECIAL ELECTIONS. A limitation is established on conducting special elections for school and junior taxing districts to validate an excess levy or bond issue. No such 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 except on the dates for the state primary and state general election.

ELECTION COST REIMBURSEMENT. When counties are reimbursed by the state for certain costs for elections held in odd-numbered years, the Secretary of State shall pay interest for the late payment of such a reimbursement.

REGISTRATION INFORMATION. If a voter registration officer has a doubt as to whether an applicant for voter registration is of legal voting age, the officer

and implementation of state agricultural market development programs and activities.

State law charges the Department of Trade and Economic Development with the primary role within the state for establishing and operating foreign offices created for the purpose of promoting overseas trade and commerce.

Among the goals assigned the Department of Fisheries by state law is the objective of seeking to maintain the economic well-being and stability of the fishing industry in this state.

SUMMARY:

The Department of Agriculture, in conjunction with the Departments of Fisheries and Trade and Economic Development, shall examine and report on means by which the state may promote and assist in marketing Washington caught fish. For each means with the greatest potential, the Department shall design, with the assistance of an advisory committee, a marketing plan and estimate its cost and effectiveness. Separate plans shall be prepared for each of the major fisheries. The Department shall consult with the House and Senate Committees on Agriculture.

The Department shall report its findings and plans to the Legislature by December 1, 1986.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 1363

C 89 L 86

By Committee on Transportation (originally sponsored by Representatives Crane, Walk, J. Williams, K. Wilson, Zellinsky, Valle, May, Fisher, Schmidt, Leonard, Haugen, Miller, Walker, Cole, Todd, Long, Holland, Isaacson, Schoon, Betrozoff, Chandler, Patrick, Ebersole, Lux, Rust, Nutley, Brough, Jacobsen, S. Wilson, P. King, Winsley, Belcher, Van Luven and Unsoeld)

Preventing escape of debris from vehicles.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

No vehicle hauling a load can be operated on any highway of the state unless the vehicle is constructed in such a way or the contents are loaded in such a manner as to restrict the material from escaping. If material spills on a highway, it is the responsibility of the vehicle operator to clean all fallen or escaped material that would be an obstruction or would damage a vehicle or endanger highway travel. The operator is required to pay any cost for the removal of the spilled materials from the highway. Fenders, flaps and other spray devices must extend to at least the center of the vehicle axle.

Some people argue that although the law addresses the issue of escaping vehicle loads, it provides inadequate protection for motorists and other highway users from fallen or escaped materials and that it is very difficult to enforce.

SUMMARY:

All loads and any required covering must be secured. All vehicles loaded with dirt, sand, or gravel which do not maintain at least six inches of freeboard must have a secured cover. Vehicles are required to be cleaned of all materials from the undercarriage, wheels, tires, body and frame before operation of the vehicle on a paved public highway. Rules to establish equipment standards may be adopted by the Commission on Equipment. The Legislative Transportation Committee will monitor the effect of these requirements until January 1, 1987, to determine their effectiveness in reducing spillage from vehicles hauling loads.

VOTES ON FINAL PASSAGE:

House	94	2	
Senate	41	6	(Senate amended)
House	93	2	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1368

C 74 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Tilly, Winsley and J. Williams)

Revising provisions relating to abstracts of driving records.

House Committee on Financial Institutions & Insurance

SHB 1368

Senate Committee on Financial Institutions

BACKGROUND:

Insurance companies are allowed to obtain a certified copy of an insured or prospective insured person's motor vehicle driving record that shows accidents in which the person was involved and moving violations committed by the person. An insurance company or its agent is required to use the information exclusively for underwriting purposes and is prohibited from divulging any of the information contained in the record. An insurance company may not use the driving record as grounds for cancellation of a policy unless the insured was determined to be at fault in any accident or violation reported in the driving record.

SUMMARY:

A person's driving record that is furnished to insurance companies may show only accidents in which the person was actually driving.

The same provision that limits use of a driving record for cancellation of an insurance policy is made applicable to policy denials and nonrenewals, as well. That is, no insurance company may deny an application for insurance or nonrenew an existing policy based on a driving record unless the applicant was determined to be at fault in any of the accidents or other violations listed on the record.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	1

EFFECTIVE: June 11, 1986

HB 1371

C 32 L 86

By Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

Permitting school districts to use school buses and drivers hired without prior authorization from the state board of education.

House Committee on Education

Senate Committee on Education

BACKGROUND:

When deciding how students will be transported for extra-curricular activities, a school district must determine whether a commercial charter bus service can provide the transportation less expensively than the district's own buses and drivers. If the services of the commercial charter bus service are less expensive, the commercial charter bus service must be used.

SUMMARY:

The requirement of evaluating and using commercial charter bus service, which can provide transportation to extra-curricular activities less expensively than school district's buses and drivers, is eliminated. The school district is given discretion to decide whether to use its own buses and drivers or the commercial charter bus service.

VOTES ON FINAL PASSAGE:

House	92	0
Senate	44	1

EFFECTIVE: June 11, 1986

HB 1374

C 251 L 86

By Representative Appelwick

Specifying taxable value of improvements owned or being acquired by lessees.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The leasehold excise tax applies to private lessees who lease or rent publicly owned property. The rate of 12.84 percent is applied to the contract rent or true rental value. Property owned by lessees is subject to the property tax and not the leasehold excise tax.

In a recent supreme court case (Duwamish v. Hoppe), a lessee of the Port of Seattle claimed that a warehouse he had built should not be taxed under the property tax at its full true and fair market value because the Port had reversionary rights to the property. The court found in favor of the lessee, stating that there was no statutory provision expressly prohibiting deductions for reversionary rights.

SUMMARY:

This bill clarifies that property owned by a lessee on public land shall be valued without consideration of reversionary interests held by the lessor or others. Thus, property tax will be levied on the full true and fair market value.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	25	23

EFFECTIVE: June 11, 1986

SHB 1382

C 206 L 86

By Committee on Ways & Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Nutley, Belcher and Unsoeld)

Revising off-road vehicle funds distribution.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Administration of the state's off-road vehicle (ORV) program is currently shared among the Department of Natural Resources (DNR), the Interagency Committee (IAC) for Outdoor Recreation, the Department of Game, and the Parks and Recreation Commission. Components of the program include maintenance and operation of various ORV facilities, information and education programs, and grants to local governments for ORV projects and activities.

The program is funded from one percent of the gas tax proceeds and ORV vehicle and dealer permit fees.

SUMMARY:

The moneys received from ORV permits and one percent of the motor vehicle fuel tax are reallocated as follows:

1. Moneys from ORV permits and ORV dealer permits, other than the amount retained by the Department of Licensing to cover administrative costs, are placed in the outdoor recreation account for distribution by the Interagency Committee. DNR is no longer required to conduct a state-wide ORV education program.

2. The percentage of motor vehicle fuel tax funds allocated to DNR is reduced from forty-five percent to forty percent. This money will be used for maintenance and operation. To obtain funds for capital projects, DNR has to seek funds from other agencies such as IAC. Limitations are placed on how DNR can expend these funds.

3. Two percent of the motor vehicle fuel tax portion is allocated to the Parks and Recreation Commission. It is intended that these funds be used for the operation of the Riverside ORV facility in Spokane.

4. The percentage of motor vehicle fuel tax funds allocated to IAC is increased from fifty-one and one-half percent to fifty-four and one-half percent. Limitations are placed on how IAC can expend these funds. The amount that can be spent by any agency for administrative purposes is limited to ten percent.

The existing reciprocity statute is modified so that an out-of-state ORV can be located in the state longer than fifteen days without a permit when the owner has an ORV permit or vehicle license from a state which recognizes Washington permits.

Both in-state and out-of-state ORV owners may choose either temporary permits, which are valid for sixty days, or annual permits. Responsibility for obtaining a permit and complying with this chapter is placed on the vehicle operator rather than the owner.

Applicants for funds from IAC are presently required to conduct a hearing prior to submission of the application. Provisions governing public notice of the hearing are modified.

IAC presently maintains an ORV plan. The plan is expanded to include expenditure of all funds.

DNR's existing ORV advisory committee is replaced with a recreation advisory committee. IAC's existing ORV advisory committee is replaced with a committee of nonhighway road recreationists. This will allow IAC to include hunters, hikers and other recreationists.

The Legislative Budget Committee is required to review the allocations of moneys made in this act and report to the Legislature by January 1, 1988.

VOTES ON FINAL PASSAGE:

House	79	16	
Senate	47	0	(Senate amended)
House	85	10	(House concurred)

EFFECTIVE: June 30, 1986

SHB 1385

C 41 L 86

By Committee on Local Government (originally sponsored by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher)

Authorizing water and sewer district commissioner elections from commissioner districts.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

A water district, or a sewer district, is governed by a three-member board of commissioners, with each member elected on an at-large basis for a staggered six-year term.

SUMMARY:

A board of commissioners of a water district, or a sewer district, is authorized to divide the district into three commissioner districts and require that subsequently elected commissioners be nominated and elected from these commissioner districts.

VOTES ON FINAL PASSAGE:

House	87	0
Senate	44	1

EFFECTIVE: June 11, 1986

HB 1386

C 253 L 86

By Representatives Hine, Jacobsen and Isaacson

Modifying provisions relating to annexation by petition or election of all or part of one city or town by another city or town.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

A city or town may annex all or part of another city or town. Approval of the voters residing in the area proposed to be annexed is required, unless no qualified electors reside there, in which case the governing body of the city or town from which the area is taken may authorize the annexation. Such an annexation may be initiated by petition of voters of the city from which the territory would be taken, or by resolution of governing bodies of both cities or towns.

SUMMARY:

The laws relating to the annexation of all or part of one city or town to another city or town are clarified. Under all methods, the governing body of both cities or towns must concur in the annexation. The annexation may be initiated (1) by a petition of resident electors of the area to be annexed and which calls for an election on the question; (2) by a resolution of both governing bodies, and the annexation will be effective unless the owners of sixty percent or more of the acreage in the area file protests against the annexation; or (3) by a petition by the owners of most of the area to be annexed. An annexation by this last method does not require an election. All annexations are potentially subject to boundary review board review and approval or rejection.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	44	1	(Senate amended)
Senate	34	10	(Senate receded)

EFFECTIVE: June 11, 1986

SHB 1388

C 254 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon)

Regulating fire protection agencies in annexation and consolidation actions.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

If two separate city fire departments or fire protection districts merge, consolidate, or undergo annexation, fire fighter employees of the merging agency or agency being annexed have no assurance that a job

will continue to be available in the new fire department or fire protection district.

SUMMARY:

In the case of consolidation of two or more cities, annexation of one city by another, annexation of a fire protection district by a city, annexation of a city by a fire protection district, or merger of two fire protection districts, a system for transferring employees from the old fire protection agency to the new fire protection agency is established.

To be eligible for transfer an employee must be principally performing duties that are to be performed in the new fire protection agency; must be separated from employment as a direct consequence of the consolidation, merger, or annexation; and must be able to perform the duties and meet the minimum requirements of the position. "Employee" is defined as an individual whose employment has been terminated because of consolidation, annexation or merger.

The eligible employee must complete a transfer by filing notice with both the old and the new fire protection agencies. The transferring employee will be treated as a new employee in the position filled in matters of probation, promotion, and salary. The employee will be able to transfer all accrued benefits as long as the benefits are those that the new employer provides. Benefits will continue accruing based on the employee's combined seniority. An employee's seniority with the new employer for the purposes of determining layoffs will include only the time of service actually accrued with the new employer.

Transferring employees will be placed on the payroll as the new agency determines the need for services. Employees will be taken in order of seniority. Employees who are not hired immediately upon transfer will be placed on a reemployment list for no longer than three years unless a longer period is established by a collective bargaining agreement.

Upon consolidation, annexation, or merger, the old fire protection agency must notify employees of the right to transfer to the new fire protection agency. Employees will have 90 days to transfer employment.

The procedures for transfer of employment in the case of consolidation take effect July 1, 1987. The remaining procedures take effect immediately. A study of employee transfer rights during consolidation of cities is to be conducted by the appropriate committees of the Senate and House of Representatives with a report to the 1987 Legislature.

VOTES ON FINAL PASSAGE:

House	70	22	
Senate	32	14	(Senate amended)
House	82	13	(House concurred)

EFFECTIVE: April 3, 1986
July 1, 1987 (Sections 1–3)

SHB 1391

C 255 L 86

By Committee on Ways and Means (originally sponsored by Representatives Appelwick, Jacobsen, Niemi, Wang, Padden, Tilly, Tanner, Barnes, Patrick, Dellwo, P. King, McMullen, Isaacson, Long and Lux)

Exempting hearing aids from sales and use taxation.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

A sales and use tax exemption exists for insulin, prosthetic devices, oxygen, ostomic devices and orthotic devices. This exemption was last expanded in 1980 when ostomic and orthotic devices were included. No exemption exists for hearing aids.

SUMMARY:

A sales and use tax exemption for hearing aids is provided.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	0

EFFECTIVE: July 1, 1986

HB 1393

C 76 L 86

By Representatives Sayan, Vekich and Belcher

Adding judicial positions in Mason and Thurston counties and dividing the judicial district.

House Committee on Judiciary

Senate Committee on Judiciary

HB 1393

BACKGROUND:

The number of superior court judges in each county is prescribed by statute. Mason and Thurston Counties currently constitute a joint judicial district, sharing five superior court judges. Information provided by the state court administrator indicates that an additional judicial position may be needed to handle increasing caseloads.

SUMMARY:

The joint Mason–Thurston judicial district is divided into two separate judicial districts. Mason County is to have one superior court judicial position. Thurston County is to have five superior court judicial positions. The five judges currently serving the joint district are assigned to the new Thurston County judicial district. The Governor shall appoint a person to fill the judicial position in the new Mason County judicial district. The additional judicial position will not be effective unless prior to January 1, 1987, both counties approve the additional position and agree to pay the traditional expenses resulting from the creation of the separate judicial districts.

VOTES ON FINAL PASSAGE:

House	73	22	
Senate	41	1	(Senate amended)
House	74	21	(House concurred)

EFFECTIVE: January 1, 1987

HB 1398

C 60 L 86

By Representatives Zellinsky, West and Locke; by request of Attorney General

Publishing maximum interest rates in the state register.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Interest rate ceilings vary depending on the type of transaction. Some transactions have a fixed maximum interest rate. For example, retail installment charge accounts have a maximum rate of 18 percent. Other transactions have a maximum rate that may change over time, depending on the 26–week treasury bill rate. The general usury limit is four percentage points over the 26–week treasury bill rate from the first auction in the prior month. Retail installment contracts have a floating rate ceiling equivalent to six percentage points over the average of four auctions of 26–week treasury bills in the prior year.

The Code Reviser publishes the Washington State Register, which includes proposed and final agency rules, as well as other agency actions.

Federal law permits federally insured financial institutions to charge as interest the highest rate that is permitted under state law.

SUMMARY:

The State Treasurer is directed to determine the interest rate ceiling as provided in the general usury statute and the Retail Installment Sales Act and transmit this rate to the Code Reviser for publication in the Washington State Register in the next available issue. A notice shall accompany the rate applicable under the usury statute, that federal law may permit federally insured financial institutions to charge a rate higher than the maximum rate allowable under the usury law.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	47	0

EFFECTIVE: June 11, 1986

SHB 1399

C 257 L 86

By Committee on Judiciary (originally sponsored by Representatives Locke, West, Armstrong, P. King, Padden and Van Luven)

Revising sentencing of adult felons.

House Committee on Judiciary

House Committee on Ways & Means

Senate Committee on Judiciary

BACKGROUND:

SENTENCING REFORM ACT

The Sentencing Reform Act of 1981 created a presumptive and determinate felony sentencing law that went into effect July 1, 1984. That act also created the Sentencing Guidelines Commission. The Commission is charged with the duty of making recommendations to the legislature periodically for the updating and refining of the act.

One of the characteristics of a "determinate" sentencing system is that persons are released from prison at a time certain and are not subject to post-release supervision. A "presumptive" sentencing system provides guidelines for sentencing based on the "seriousness level" of the current crime and the "offender score" of the convicted person. The seriousness level is based on a ranking of all classified felonies. The offender score is determined by the convicted person's criminal history. Exceptional sentences, outside the guidelines, may be imposed if aggravating or mitigating circumstances exist.

Under the Sentencing Reform Act, some crimes are designated as "violent." Crimes designated as violent include any class A felony, manslaughter, indecent liberties, extortion, vehicular homicide, and the second degree crimes of rape, kidnapping, arson, assault and robbery. Sentencing options are restricted for violent offenses.

Sentencing options other than incarceration are allowed for "first-time" offenders. First-time offenders are those currently being convicted of nonviolent crimes who have no prior felony convictions.

A variety of rules apply to the process of counting prior convictions for purposes of establishing the offender score. If the offender's criminal history includes multiple prior convictions, all convictions for which sentences were served concurrently are counted as one conviction. Depending on the seriousness of the crime, certain prior convictions no longer count as criminal history after the passage of time. Prior adult class A felonies, however, always count as part of an offender's criminal history. Special rules also apply to counting prior serious traffic offenses. A prior serious traffic offense may be ignored after five years, even if there have been intervening other serious traffic offenses. On the other hand, intervening felony offenses prevent a prior serious traffic offense from being ignored.

The presumptive ranges for certain crimes are increased if the crime was committed with a deadly weapon. The ranges for attempted crimes are seventy-five percent of those for completed crimes. The deadly weapons enhancement provisions do not apply to attempted crimes.

ASSAULT

A person is guilty of assault in the first degree if the person, with intent to kill or commit a felony, assaults another with a deadly weapon or with force likely to produce death, or administers poison so as to endanger the life of another. A person is guilty of assault in the second degree, if under circumstances not amounting to first degree assault, the person: (a) with intent to injure, administers poison; or (b) knowingly inflicts grievous bodily harm; or (c) knowingly assaults another with a weapon or thing likely to produce bodily harm; or (d) knowingly assaults another with intent to commit a felony. A person is guilty of assault in the third degree, if under circumstances not amounting to first or second degree assault, the person: (a) assaults another with intent to resist any lawful process of any court officer or the lawful apprehension of himself or another; or (b) with criminal negligence, causes injury to another with a weapon or instrument likely to produce bodily harm; or (c) assaults a transit operator while the operator is operating or in control of the transit vehicle. An assault not amounting to assault in the first, second, or third degree is simple assault.

PARTNERSHIP THEFT

A recent state court of appeals decision, State v. Birch, held that as a matter of law a partner could not be charged with theft of partnership funds because under the theft statute, a partner would not be exerting unauthorized control over the property of another since the partner had an undivided interest in the partnership funds.

BIGAMY

The crime of bigamy has a three year statute of limitation. That three year period begins to run at the time an unlawful second marriage is entered into.

SUMMARY:

SENTENCING REFORM ACT

Several changes are made to the process of counting prior offenses as part of determining the "offender score." With two exceptions, all prior felonies, even those for which sentences were served concurrently, are counted separately. Multiple prior convictions found to encompass the same conduct are counted as

one prior conviction. Multiple prior juvenile convictions for which sentences ran concurrently continue to be counted as one prior conviction. The rules on counting or ignoring prior serious traffic offenses are reversed. Lack of intervening serious traffic offenses allows the prior conviction to be ignored.

The provisions increasing presumptive sentence ranges for the use of a deadly weapon are made applicable to anticipatory crimes.

The class of evidence a court can consider in setting an exceptional sentence is expanded. In determining whether the offender may have actually committed more serious or multiple offenses, the court may look at whether the conviction is for a major economic or drug-related offense.

The crime of vehicular assault is added to the definition of "violent offense."

Nonviolent felony sex offenses are added to the types of current convictions that disqualify an offender from "first-time" status. However, a juvenile conviction for a crime committed before the age of 15 cannot by itself disqualify an offender from first-time status.

Several new or previously unranked crimes are included in the seriousness rankings. Among those crimes are several relating to criminal profiteering, harassment, intimidating a judge, computer trespass, work release, forgery and sexual exploitation of minors. The crime of theft of livestock is divided into two degrees, each of which is given a seriousness ranking.

Many technical and grammatical changes are made. Among these are consolidating various definitions in one section, deleting outdated requirements regarding the Commission, deleting repealed or obsolete crimes from the seriousness rankings, correcting the designation of crimes and rearranging the order of various subsections.

ASSAULT

Effective July 1, 1987, the existing assault statutes are repealed and replaced. A significant change in the new assault laws is that, in determining the level of the crime, the seriousness of harm intended by the defendant may not be as important as the harm which actually results.

The revised assault laws generally mirror the current statutes with the following changes. The mental requirement for first degree assault is changed from "intent to kill" to "intent to inflict great bodily harm." A person is guilty of assault in the first degree if that person assaults another with the intent to inflict great bodily harm and if great bodily harm results from the assault. "Great bodily harm" is defined as bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement or significant serious permanent loss or impairment of the function of any bodily part or organ.

Under second degree assault, the requirement that the person "knowingly inflict grievous bodily harm" is replaced with the requirement that the person "intentionally assault another and thereby inflict substantial bodily harm." "Substantial bodily harm" is defined as bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

Firefighters are added to the list of persons that receive special treatment under the assault laws. An assault of a firefighter who is performing his or her official duties at the time of the assault is assault in the third degree.

PARTNERSHIP THEFT

The crime of theft applies to a partner who, with intent to deprive, appropriates partnership property to his or her own use or the use of another where such use is unauthorized by the partnership agreement.

BIGAMY

The three year statute of limitations on the crime of bigamy does not begin until the death of one of the multiple spouses or the dissolution or annulment of one of the multiple marriages.

MISCELLANEOUS

The existence of the joint legislative committee on the criminal justice system is extended by one year to January 1, 1987. The committee is directed to study the high rate of minority incarceration in Washington.

Prior to exercise of joint prosecutorial authority by the attorney general, the attorney general and the county prosecutor must agree on the payment of all costs associated with the prosecution.

The sentencing guidelines commission is to consider ways of increasing the sentences of persons who commit multiple sex offenses. The commission is to report its findings to the 1987 legislature.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	47	0
House	98	0

EFFECTIVE: June 11, 1986
July 1, 1986 (Sections 17–35)

SHB 1400

PARTIAL VETO

C 224 L 86

By Committee on Judiciary (originally sponsored by Representatives Rayburn, Padden, Fisch, West, Madsen and Armstrong)

Creating the indeterminate sentence review board.

House Committee on Judiciary

House Committee on Ways & Means

Senate Committee on Judiciary

BACKGROUND:

Two systems of criminal sentencing exist in this state. Persons convicted of felonies committed before July 1, 1984 are sentenced differently from persons convicted of felonies committed after that date. A perpetrator of a pre–July 1, 1984 crime is sentenced to the statutory maximum sentence for that crime by the trial judge. Six months after entering prison, the Board of Prison Terms and Paroles sets the minimum term of confinement for each person. Subsequently, the board will determine the person's actual release time. The board is to review each prisoner's history in prison and the circumstances surrounding the conviction in determining the prisoner's release date. Typically, the release date comes before the end of the maximum sentence imposed by the judge. Upon release, the convicted person may be granted parole. The board may impose restrictions and requirements on the person's behavior, activities and associations as a condition of granting parole. If the person violates the terms of parole, he or she may be returned to prison to serve the remainder of the sentence. Under this system, the parole board continues to exercise great discretionary control over prisoners sentenced for crimes committed before July 1, 1984.

For crimes committed after that date, the parole board has no jurisdiction. The Sentencing Reform Act created a "determinate" sentencing system. Under the new system, judges set the length of sentences, and a prisoner's release date is known with relative certainty upon entering prison. There is no post–release supervision.

A declining number of persons remain in prison for crimes committed before July 1, 1984. The Sentencing Reform Act provides for the continued existence of a parole board to handle these prisoners, but only until 1988. Currently, there are over 4,000 prisoners under the jurisdiction of the board. By 1988, there will still be over 2,000 prisoners sentenced under the old system. By 1992, that number will drop to about 1,000 and will very gradually decline thereafter.

SUMMARY:

Effective July 1, 1986, the Board of Prison Terms and Paroles is redesignated the Indeterminate Sentence Review Board. Effective July 1, 1986 the minimum term setting function of the parole board is given to the sentencing judge even for crimes committed before the sentencing reform act (SRA). However, judges will apply the same rules as the parole board did in sentencing for old crimes. The new Indeterminate Sentence Review Board will handle release and parole decisions for offenders who were sentenced under the pre–SRA law. To the extent those decisions result in prison terms different from what the SRA would produce for the same conviction, the board must give written reasons for its decisions. The new board will terminate in 1992. After that date, all decisions about release and parole of prisoners convicted of pre–SRA crimes will be made by the superior court of the county of conviction. The laws regarding release date and parole will remain the same for persons convicted of pre–SRA crimes.

Beginning on July 1, of 1986, the Office of Financial Management is annually to assess the need to reduce the membership of the Indeterminate Sentence Review Board until the Board ceases to exist in 1992. OFM may reduce the membership based on prison population projections.

The Board, OFM and others are to develop a plan, including cost reimbursement, for the transfer of all parole functions to the courts in 1992.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	46	1	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: June 11, 1986
July 1, 1986 (Sections 1 – 13)

PARTIAL VETO SUMMARY:

The veto removes a sentence that would have expressly authorized the Governor to seek the nominations of qualified persons to fill vacancies on the Indeterminate Sentence Review Board. (See VETO MESSAGE)

SHB 1401

C 112 L 86

By Committee on Ways & Means (originally sponsored by Representative Grimm; by request of Office of Financial Management)

Revising provisions relating to economic forecasts.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The governor's budget request to the legislature must reflect expenditures based upon the estimated revenues generated by the Economic and Revenue Forecast Council.

Economic and revenue forecasts by the Economic and Revenue Forecast Council must be submitted to the governor and the legislature on December 20th of each year. This coincides with the due date for submittal of the governor's budget to the legislature.

A portion of the revenue forecast is dependent on revenue estimates which can vary depending on budgetary assumptions of enrollments, workloads and caseloads. Two examples are: 1) tuition, which depends on authorized enrollment levels and 2) bond principal and interest payments, which are affected by proposed capital expenditures.

The Office of Financial Management has experienced difficulty in tying the budget to a revenue forecast due on the same day as the budget. It also has had difficulty in furnishing information to the Forecast Council in a timely fashion on certain revenues which are dependent on policies which may not be established until mid–December.

SUMMARY:

The budget submitted by the governor may be based on the estimated revenues provided by the Council and adjusted by the governor to reflect budgetary revenue transfers and revenue estimates dependent on budgetary assumptions of enrollments, workloads and caseloads. Such adjustments must be set out in the budget document.

The December 20th submittal date for the revenue forecast is changed to November 20th.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	45	1

EFFECTIVE: June 11, 1986

SHB 1403

C 100 L 86

By Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Cole, Sanders and Leonard)

Clarifying the forest protection statutes.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

The Department of Natural Resources (DNR) and its predecessor, the Department of Conservation and Development, administered the state forest fire prevention and suppression program since the early years of statehood. In the 96 years since Washington entered the union, the fire laws have not received a systematic overhaul. During this period, some sections of the law have become outdated, redundant sections have been added, conflicts with other sections have developed and the organization of the implementing agency has changed.

The DNR provides fire protection and suppression services on over 12 million acres of state and private forest lands. The federal government contracts for state fire protection on some federal lands. Within DNR protection areas, the DNR implements portions of the Clean Air Act.

Fire protection (or prevention) program expenditures remain relatively constant from year to year. The program expenditures fund personnel, aerial detection, the Keep Washington Green program and detection equipment. Funding for forest protection comes from an assessment upon forest landowners amounting to 21 cents per acre in Western Washington and 17 cents per acre in Eastern Washington. Suppression costs are borne by either the general fund or landowner supported funding, depending on the cause of the fire. (Landowners pay a maximum of 10 cents per acre for the suppression fund. The fund balance may not exceed $2 million. Currently, rates are 6 cents per acre in Western Washington and 2 cents per acre in Eastern Washington.)

SUMMARY:

The forest protection statutes, administered by the Department of Natural Resources, cover eight areas: administration, permits, closures and suspensions, fire tool laws, cost recovery, assessment obligations and funds, hazard abatement and fire laws. The recodification begins by reorganizing the existing laws into topical categories, making the language gender-neutral, making penalties consistent with appropriate chapters in the RCW, removing obsolete language and redefining administrative responsibilities. Some sections are either combined, amended or repealed.

Revised definitions specifically exclude structures as objects protected under the fire code while previously, only forest land, i.e. unimproved land was covered. Definitions of unimproved land, slash, closed seasons and slash burning are added.

Three existing burning permits, -- burning during the closed season, burning waste forest material and supervised burning -- were combined into one burning permit. The authority to regulate and condition the use of the permits remains the same.

Formerly, the Landowner Contingency Fund paid fire fighting costs on all escaped slash burns. Now for each escaped slash burn, the landowner must pay one dollar per acre for each acre of department protected land they own, up to a maximum of $50,000. The Landowner Contingency Fund will pay costs in excess of $50,000, unless landowner negligence caused the fire to start. In the latter case, the landowner is liable for all suppression costs.

In instances where weather causes an extreme fire hazard, forest lands were previously closed to hunters by an order from the governor. This is modified so that the closure authority now exists with the DNR and a closure may apply to all individuals.

Landowners who create an extreme fire hazard (flammable forest material where life or buildings may become endangered, areas by public highways or frequently used areas) are responsible for reducing, abating or isolating the hazard. Landowners are liable for all fire suppression costs if the fire starts in an extreme fire hazard area. If the landowner does not reduce an extreme fire hazard, the DNR may do so and bill the landowner for twice the cost.

The DNR may enter into contracts with other government agencies for purposes of fire prevention and suppression. These contracts may provide for an exchange of services, cash or other compensation.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	47	0

EFFECTIVE: June 11, 1986

HB 1407

C 258 L 86

By Representatives Haugen, Barnes, Todd, Brough, K. Wilson, Belcher, Allen, Madsen, Peery, Valle and P. King

Authorizing sewer or water districts to expend funds for information for residents of areas proposed for annexation.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Statutes provide for the annexation of territory by water districts and sewer districts.

SUMMARY:

Sewer districts and water districts are authorized to expend moneys to provide certain information to residents of areas proposed to be annexed.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: June 11, 1986

SHB 1408

C 109 L 86

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough and Todd)

Eliminating the findings of fact on withdrawal of territory from a water district.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The process of withdrawing territory from a water district may be initiated by: (1) petition of at least 25 percent of the resident voters of the area; (2) if no voters reside in the area, then petition of the owners of at least 50 percent of the acreage; or (3) resolution of the board of water district commissioners. A public hearing on the proposal is held where the board of water district commissioners must make several findings concerning the withdrawal. A public hearing on the proposal is then held by the county legislative authority which also makes similar findings. If all of the findings are made in the affirmative, and the county's findings concur with the district's findings, then the area is withdrawn from the water district without a vote of the district voters. Otherwise the issue is placed before the voters of the entire water district, with the withdrawal occurring if approved by a simple majority vote.

By reference, these procedures are available to withdrawn territory from a sewer district.

SUMMARY:

The process of withdrawing territory from a water district is altered to eliminate some of the findings that must be made.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	42	0

EFFECTIVE: June 11, 1986

SHB 1413

C 168 L 86

By Committee on Local Government (originally sponsored by Representatives Nutley, Isaacson, Haugen, Winsley, Ebersole, Allen, Rayburn, May, Brough, Hine and Grimm)

Authorizing alternative procedures for the issuance of revenue bonds by local governments.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Many different types of local governments have been authorized by the legislature to issue revenue bonds, including counties, cities and towns, port districts, public utility districts (PUD's), sewer districts, water districts, irrigation districts, metropolitan municipal corporations (metros), operating agencies (e.g., WPPSS), park and recreation districts, and airport districts. Each of these types of local governments has separate statutes governing the issuance of revenue bonds. Some of these local governments have several different sets of statutes governing the issuance of revenue bonds.

Some of these statutes require that revenue receipts used to pay revenue bonds first be used to pay for maintenance and operation of the revenue generating facilities before bond payments are made. Some merely require adequate maintenance of these facilities. Finally, some require that bond payments be made first. Other statutes are silent on this subject.

Revenue bonds are bonds payable from rates, charges or other revenues. No limitation, other than market conditions, restricts the amount of revenue bonds that a unit of government may issue.

SUMMARY:

A new alternative authorization is established pursuant to which any local government, that is otherwise authorized to issue revenue bonds, may issue its revenue bonds. If these statutes are used, then the local government must conform with the limitations and restrictions that are included in the statutes. This alternative procedure would require that revenue receipts pay for the maintenance and operation of the revenue generating facilities before bond payments are made.

Any local government using these procedures may create reserve funds to: (1) secure the payment of principal and interest on revenue bonds; (2) provide for contingencies; and (3) provide for replacements, renewals, repairs or betterments to the revenue generating facilities.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	41	5

EFFECTIVE: June 11, 1986

HB 1415

C 225 L 86

By Representatives Locke, Wang, Belcher, Niemi, Miller, Vander Stoep, Allen, Prince, Unsoeld, Jacobsen and Lux

Authorizing the redress of civil right restrictions resulting from federal Executive Order 9066.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

On February 19, 1942, President Roosevelt signed Executive Order 9066 which resulted in the uprooting and forced confinement in internment camps of approximately 120,000 persons of Japanese ancestry. A number of these persons were employees of local governments within Washington State, and they lost their jobs as a result of their confinement in the internment camps.

The state of Washington has provided some redress to former state employees who lost their jobs as a result of Executive Order 9066. Local governments have been advised that they may not have the authority to provide the same redress.

SUMMARY:

Local governments are authorized, but are not required, to adopt ordinances or resolutions designed to provide redress to their former employees whose employment was terminated as a result of the Order or who, as a result of the Order, resigned from employment in lieu of dismissal. The authority to provide redress also extends to the surviving spouses of such employees.

A local government adopting such an ordinance or resolution has the sole discretion to determine the monetary amount of redress, subject to the rule that the amount may not be greater than five thousand dollars for any undivided claim. Also, the local government has no obligation to notify directly persons who might be eligible to receive payments under the ordinance or resolution.

VOTES ON FINAL PASSAGE:

House	82	15
Senate	45	1

EFFECTIVE: June 11, 1986

HB 1419

C 169 L 86

By Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

Authorizing limits on voter-approved increases to the 106% levy lid.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The 106 percent levy limit law imposes a limit on the growth of regular property tax levies of taxing districts. With certain exceptions, levies are limited to 106 percent of the prior year's levy.

Property tax levies that must conform to the 106 percent limit include: the state property tax levy for schools; city and county operating levies; and operating levies of junior districts such as fire, library, park and hospital districts.

Subject to voter approval and statutory rate limits, a local government can establish a regular property tax levy in excess of the 106 percent limit amount. A proposal to exceed the 106 percent limit can be submitted to the voters in a general or special election and requires a majority vote for approval. Whenever such a levy is approved, it becomes part of the base on which future 106 percent levy calculations are made.

SUMMARY:

A limited waiver of the 106 percent limitation may be placed before the voters. Such a proposition may: 1)

limit the period for the increased levy; 2) limit its purpose; 3) set the levy at a rate less than the maximum rate allowed; or 4) include any combination of the preceding conditions. Upon expiration of the limited period or the fulfillment of the limited purpose, the subsequent 106 percent limit shall be calculated as if: 1) the limited proposition levy had not been approved, and 2) the taxing district had made levies at the maximum amounts permitted under the 106 percent limitation during the years that the limited proposition was in effect.

VOTES ON FINAL PASSAGE:

House	94	0
Senate	32	2

EFFECTIVE: June 11, 1986

HB 1424

C 63 L 86

By Representatives Appelwick and P. King

Providing for estate tax apportionment.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Thirty eight states specify by law how estate taxes are to be apportioned among those having an interest in the estate. Washington does not. Absent a state statute on the subject, the estate tax falls on the residuary estate, even though a portion of the estate may not be subject to probate, but subject to estate tax. Examples of types of property which pass in taxable form outside of the probate estate are: life insurance; joint tenancy with right of survivorship; pension plan benefits; and certain trusts. Of these only life insurance can be reached to contribute to tax. This may cause distributions of the estate that were unintended by the decedent in that the entire burden of tax falls on the recipients of the residuary estate.

SUMMARY:

The executor is permitted to apportion any estate tax due among those having an interest in the estate in situations where neither Federal law nor the will of the taxpayer specify apportionment of the tax. The executor is also permitted to apportion the tax among recipients of nontestamentary property.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	43	0

EFFECTIVE: June 11, 1986

SHB 1433

C 83 L 86

By Committee on Ways and Means (originally sponsored by Representatives Tilly, Grimm, Bristow, Hastings, Sayan, B. Williams, Braddock, Long, Holland, Brekke, Silver, G. Nelson, C. Smith, Jacobsen, Bond, Miller, Van Luven and P. King)

Allowing state agencies to assert claims against state lottery prize winners.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

In California, a process exists by which all payments to citizens issued from the state comptroller's office are matched against a file of outstanding debts owed to the state. The file of outstanding debts is compiled by input from state agencies and local governments. Since lottery prizes are paid through the state comptroller's office, these prizes are matched against any debts owed to the state.

In Washington, lottery prizes are paid from an independent fund outside the state treasury which is administered by the Washington State Lottery Commission. There is no mechanism in the law by which lottery prizes are matched against obligations owed to the state.

SUMMARY:

A system is created which identifies lottery winners who owe debts to the state or local governments.

Participants submit data processing tapes to the Lottery Commission containing debt information at least once a month. The Commission would be required to maintain the information in its validation and prize payment process. Winners of six hundred dollars or more would be checked against the taped information. All claims would be verified by the submitting agency

or political subdivision within two working days. If verified, the prize would be reduced by the amount of the debt.

VOTES ON FINAL PASSAGE:

House	59	32	
Senate	43	1	(Senate amended)
House	82	13	(House concurred)

EFFECTIVE: September 1, 1986

HB 1441

C 84 L 86

By Representatives Appelwick, Hastings and P. King

Modifying provisions on unclaimed property.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The Department of Revenue is currently required to publish the names of unclaimed property owners and must mail notice to such owners when the value of the property is $25 or greater.

SUMMARY:

The Department of Revenue publishes the names of unclaimed property owners and mails notice to such owners when the value of the property is $75 or greater.

VOTES ON FINAL PASSAGE:

House	86	9
Senate	47	0

EFFECTIVE: June 11, 1986

HB 1442

C 34 L 86

By Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

Modifying provisions on oil and gas leases on state lands.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

The Commissioner of Public Lands may lease trust lands for oil and gas exploration. Separate lease conditions govern activities during the exploration phase and the production phase. To date, no leases on state lands have produced commercial quantities of oil or gas.

The 1985 Legislature clarified several provisions in the state leasing law affecting lease terms, the basis for calculating royalties, and proration of royalties when the state owns less than a full interest in the mineral rights. Questions arose during the 1985 legislative session concerning lease extension criterion, the meaning of some existing statutory language, and the duration of some lease extensions. During the interim, interested parties worked together to address these issues. Their efforts resulted in this legislation.

SUMMARY:

Modifications of state leasing law fall into three categories: (1) clarifying the acreage limit on any single lease; (2) clarifying the criteria used by the Department of Natural Resources in extending leases; and (3) eliminating obsolete language regarding lease extensions.

The current acreage limit for a lease of 640 acres (one section) is modified to allow inclusion of surveyed sections larger or smaller than 640 acres. (Some sections are not 640 acres because of topography and survey errors.)

New criteria for lease extensions require that leases be extended so long as the lessee meets the lease terms and either 1) develops the land with due diligence after discovering oil or gas, or is working on the land (drilling, deepening the well, etc.); 2) or produces oil or gas; or 3) participates on a unit plan approved by the Commissioner of Public Lands.

Language referencing the potential for a lessee to receive a lease extension for twenty years is stricken and not replaced.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	44	1

EFFECTIVE: March 10, 1986

SHB 1447

C 282 L 86

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Patrick, Bristow and P. King)

Modifying accounting and reporting requirements for public works contracts.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

(1) General law controls contracting for public works projects by the state and most units of local government. This law requires the preparation of detailed plans of the project and cost estimates. The projects may be done by contract, or small works roster contracting, or other means. If other means are used (e.g., in-house by government employees) details of the project must be published.

(2) Counties, cities and towns must award contracts over a certain amount to the lowest responsible bidder.

(3) A 5.028 percent public utility tax is imposed upon refuse collection businesses, with 70 percent of the receipts placed into the public works assistance account for loans to local government for repairing infrastructure.

SUMMARY:

(1) General public works law is altered concerning the maintenance and specificity of cost records, accounting details and publishing requirements.

(2) The existing public utility tax of 5.028 percent on the gross receipts of refuse collection businesses, with 70 percent of the receipts being placed into the public works assistance account for loans to local governments for repairing infrastructure, is repealed. This public utility tax is replaced by: (a) a business and occupation tax of 1.5 percent on refuse collection businesses; and (b) an excise tax of 3.6 percent on the consumers of refuse collection services, with the tax receipts earmarked for the public works assistance account.

(3) Counties, cities and towns are authorized to: (a) award contracts for the design, construction and operation of facilities for handling solid waste by a special negotiated process, where considerations other than price are taken, rather than a competitive public bidding process; and (b) enter into "put or pay" contracts for the disposal of solid waste where a minimum amount is paid for the operational availability of such facilities, without regard to the amount of solid waste handled. It is clarified that counties can construct facilities for handling solid waste.

VOTES ON FINAL PASSAGE:

House	88	2	
Senate	47	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

House	79	15
Senate	38	8

EFFECTIVE: June 11, 1986

HB 1450

C 113 L 86

By Representative Baugher

Authorizing performance standards for motor vehicle equipment.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Commission on Equipment is authorized to approve vehicle lighting, safety devices, tires, window glazing, and other motor vehicle equipment certified as meeting the standards of the Society of Automotive Engineers or the United Nations agreement on approval of motor vehicle equipment as approved on March 20, 1958, or as amended by Canadian Standards Association standard D106.2. Motor vehicle equipment may be submitted by the manufacturer to the Commission for testing and approval. After receiving the approval of the Commission, the equipment may be sold and used on motor vehicles in the state.

The Commission maintains and publishes a list of equipment which has received approval.

SUMMARY:

The Commission on Equipment is to adopt rules which conform to the federal motor vehicle safety standards adopted pursuant to the Motor Vehicle Safety Act of 1966. The Commission may use such adopted rules

and specifications in determining product performance standards for approving motor vehicle equipment. The standards of the Society of Automotive Engineers, United Nations agreement on motor vehicles, and the Canadian Standards Association standard D106.2. may be used when federal standards are absent.

Equipment may be submitted by the product manufacturer directly to a recognized organization or agency for certification of the product. The certification can then be submitted to the Commission on Equipment for approval. If approval is granted, the equipment may be sold and used on motor vehicles in the state.

The Commission may also require test and production data from the manufacturer and may withhold approval until such information is received and approved by the Commission. Any motor vehicle equipment may be purchased by the Commission for the purpose of testing or retesting.

The requirement for the Commission to maintain or publish an approved lighting and safety device products list is removed.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	45	0

EFFECTIVE: June 11, 1986

SHB 1451

C 35 L 86

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and P. King)

Adopting the 1977 amendments to Article 8 of the Uniform Commercial Code.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Washington law requires that shares issued by a corporation be represented by certificates. Washington has adopted Uniform Commercial Code (UCC) Article 8 which regulates trading of these investment securities.

SUMMARY:

Business corporations are allowed to issue shares which are not represented by certificates. These shares are referred to as "uncertificated securities." Miscellaneous provisions in the business corporations act are modified to allow uncertificated shares to be treated in a manner similar to certificated shares. Shares which are represented by certificates are renamed "certificated securities."

The 1977 changes to UCC Article 8 are added to Washington's commercial code. These changes affect the trading of uncertificated securities.

VOTES ON FINAL PASSAGE:

House	91	4
Senate	42	0

EFFECTIVE: June 11, 1986

SHB 1458

PARTIAL VETO

C 271 L 86

By Committee on Local Government (originally sponsored by Representatives Zellinsky, Haugen, Fisch, Hargrove, Schmidt, Bristow, P. King and Unsoeld)

Providing penalties for violations of laws relating to public water supply systems.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The Department of Social and Health Services (DSHS) administers state laws concerning public water supply systems. Local boards of health administer these laws at the local level. No express statutory authority exists authorizing DSHS, or local boards of health, to impose civil penalties for failing to conform with laws or orders relating to public water systems.

SUMMARY:

The Department of Social and Health Services (DSHS) and local boards of health are given express authority to impose civil penalties for violations of laws and orders relating to public water systems. Before imposing the penalties, a series of escalating administrative steps to resolve a violation must be made, except

where violations are determined to be an imminent or actual public health emergency. The maximum penalty is up to $5,000 per day per violation. Fines must reflect the significance of the violation and the previous record of compliance by the public water supplier. Written notice must be made of the penalties. Appeals are to be made directly to the office of administrative hearings, and then to Superior Court. Penalties imposed by DSHS are to be paid into the state general fund. Penalties imposed by a local board of health are to be paid into the county, city or general fund.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	26	21

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The veto removed language concerning appeals from the imposition of civil penalties.

HB 1459

C 64 L 86

By Representative Armstrong

Restricting evidentiary use of a breathalyzer test refusal.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The Implied Consent law provides that a person will administratively lose his driver's license if he refuses to take a breath test when arrested for DWI (driving while under the influence). The U.S. Supreme Court has ruled that a driver's refusal to take the test may also be used as evidence in a criminal trial. In 1984, the legislature enacted a law that provided for the admissibility of refusal evidence. The law required the arresting officer to warn the driver that refusal to take the test may be used "against" him in a subsequent trial. It also directed that the evidence be admitted "without comment" and with a direction to the jury not to draw any inference from the evidence of refusal. In 1985 the law was amended to remove the requirement that the jury be instructed not to draw any inference.

The state Supreme Court has held that the statute, as it existed in 1984, renders refusal evidence irrelevant (and therefore inadmissible) for all purposes except rebuttal of a defendant's evidence. The Court also indicated that the 1985 amendments would not make refusal evidence admissible to prove the prosecution's case.

SUMMARY:

The requirement that evidence of test refusal be admitted "without comment" is removed. The warning to be given an arrested person is changed to say only that the fact of refusal may be "used" instead of saying it may be "used against" the person.

VOTES ON FINAL PASSAGE:

House	94	1
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 1460

C 40 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Haugen, Zellinsky, Appelwick, S. Wilson, Ebersole, McMullen, May, Cole, Leonard and P. King

Authorizing class P liquor licenses.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Florists presently may sell wine if they first obtain the usual wine retailers' Class F license. Under rules of the Liquor Control Board, Class F licensees must maintain minimum inventories. In the case of florists, the minimum inventory requirement is five thousand dollars.

Class P licenses which also allow deliveries of wine currently have no requirement for minimum inventory. This license is limited to businesses solely engaged in the business of delivering gifts. Door to door solicitation or multiple deliveries of wine to the same address in any 24-hour period are prohibited under Class P licenses.

SUMMARY:

Class P licenses may be issued by the Liquor Control Board to persons in the business of selling flowers or floral arrangements at retail. Minimum wine inventory cannot be required of Class P licensees. The rule against multiple deliveries in a 24-hour period is stricken. Deliveries of wine must be in conjunction with deliveries of gifts or flowers.

VOTES ON FINAL PASSAGE:

House	92	5
Senate	40	4

EFFECTIVE: June 11, 1986

HB 1462

C 170 L 86

By Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

Establishing regulations to govern the sale of nursing home insurance policies.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Long-term care insurance policies are currently regulated as disability insurance policies. Individual disability insurance policies are subject to extensive regulation as to minimum standards, conditions, disclosures and loss ratios. Group disability policies are subject to regulation to a lesser extent than are individual policies.

SUMMARY:

Any long-term care insurance policy or contract issued on or after January 1, 1988 must comply with minimum statutory and regulatory standards. In addition, on or after November 1, 1986, no person may use unfair or deceptive practices in marketing long-term care policies or contracts.

The Insurance Commissioner is directed to adopt rules requiring a reasonable level of benefits in relation to the price charged for a long-term care policy or contract and to adopt rules requiring minimum standards for terms and conditions used in such policies or contracts.

No long-term care policy or contract may use riders or waivers to limit or reduce benefits; may pay different benefit levels depending upon whether the benefit is for an illness rather than an accident; may be cancelled solely because of the age or deterioration of health of the insured; may limit coverage for preexisting conditions beyond a certain period; may vary benefits depending on the type or level of nursing home care provided; or may contain a provision establishing a new benefit waiting period when the policy is converted to a new policy within the same insurance company.

The commissioner must adopt rules requiring complete disclosure of policy or contract provisions to consumers, and consumers must be allowed to return a policy for a refund within 30 days of the policy's delivery to the consumer.

No seller of a policy or contract may complete the medical history portion of a policy application, and no one may knowingly sell a long-term care policy to a person who is receiving medicaid.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
Conference Committee			
House	95	1	(House concurred)

EFFECTIVE: June 11, 1986
November 1, 1986 (Section 6)

HB 1463

C 124 L 86

By Representatives Leonard, Appelwick, Cole, Scott, Crane, Lux, Day, Dellwo, Rayburn, Winsley and P. King; by request of Board of Pharmacy

Revising provisions relating to controlled substances.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

HB 1463

BACKGROUND:

The Board of Pharmacy regulates controlled substances, which are drugs with a high potential for abuse and physical or psychological dependency. Controlled substances are categorized on statutory schedules, based on their potential abuse and any legitimate medical uses. It is necessary for the legislature to amend these schedules in each instance where the federal Drug Enforcement Administration determines the existence of a new controlled substance and places such drug on the federal controlled substance schedules.

The newest phenomenon occurring nationally is the manufacture of so-called "designer drugs". These drugs are made with trivial differences from controlled substances and are technically not prohibited by law. The speed at which these drugs appear in the marketplace is frustrating the efforts of law enforcement to control illicit drug trafficking. While the Board has the authority to list new controlled substances on the schedules by rule in a more timely response than statutory amendment, county prosecutors are reluctant to prosecute controlled substance criminal violations on the basis of a rule. Allowing a state agency to modify a criminal law through rulemaking may be an unconstitutional delegation of legislative power.

SUMMARY:

The Board of Pharmacy is required to inform the legislature at the end of each year on the controlled substances added to, deleted from or changed from the controlled substances schedules, including an explanation of these actions.

The statutory schedules of controlled substances are modified to include substances added to the regulatory scheme through the Board's rulemaking powers since 1981.

A registration to manufacture, distribute or dispense a controlled substance may be suspended or revoked by the Board for any violation of any state or federal regulation regarding a controlled substance.

Vehicles and other conveyances used in the illegal sale, but not the illegal possession of controlled substances, are subject to seizure and forfeiture.

Parents or legal guardians have a cause of action for damages against any person who sells or transfers controlled substances to minors. Damages can include the cost for treatment or rehabilitation, forfeiture of the cash value of any proceeds, and attorney's fees.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1479

C 54 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King)

Modifying criteria for approval of methadone treatment services.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The state has six publicly funded not-for-profit methadone treatment centers and one for-profit treatment center, serving 800 and 600 clients respectively. Methadone is a highly addictive and dangerous drug which is substituted for heroine in the treatment of addicted persons. The ultimate goal of methadone treatment is eventual abstinence, and treatment planning must indicate a time-limited plan to achieve a drug free state. There are concerns that there may be financial incentives for programs to keep a client on methadone past the time when the client is ready and able to detoxify and become drug free, as well as in using higher dosage levels in order to increase the dependency of the client on the program. Another concern is the possible proliferation into this state of methadone treatment centers which may actually increase the demand for methadone. There is no specific authority for the Department of Social and Health Services to impose a moratorium on approving new programs.

SUMMARY:

The Department of Social and Health Services (DSHS) is required, in consultation with methadone treatment centers, to establish state-wide standards for methadone treatment by December 1, 1986 and to submit a report to the legislature prior to the 1987 legislative session. A moratorium is imposed on the certification

of new treatment centers until these standards are developed or until December 1, 1986, whichever is sooner.

DSHS may not certify any program in a county where the county legislative authority has prohibited it. Counties may license and monitor programs for compliance with DSHS standards, and limit the number of licenses granted on a population basis.

Neither the department nor a county may discriminate against any methadone program on the basis of its corporate structure. However, where the state has denied certification, or a county has denied a contract to a methadone treatment program, a written notice specifying the rationale and reasons for the denial must be provided.

VOTES ON FINAL PASSAGE:

House	82	15	
Senate	44	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1480

C 36 L 86

By Committee on Ways & Means (originally sponsored by Representative Appelwick)

Eliminating the requirement on vending machine sales that sales taxes be stated separately.

House Committee on Ways & Means

Senate Committee on Commerce & Labor

BACKGROUND:

Some products sold through vending machines are subject to the sales tax and some (e.g. food) are not. Products subject to tax must have the price and amount of sales tax advertised separately. The state auditor has determined that, if notice of the amount of tax is not provided, then sales tax has not been paid and the vendor is liable for the tax.

Typically, notice of price and applicable sales tax is provided by vendors through use of stickers. Tax rates vary depending on location, requiring various stickers for the same product. Further, stickers are sometimes removed by vandals, which causes potential tax liability for the vendor.

SUMMARY:

The requirement that price and tax must be stated separately on vending machines is deleted.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	40	0

EFFECTIVE: March 10, 1986

HB 1482

C 71 L 86

By Representatives Walk, J. Williams, Zellinsky, Schmidt and P. King; by request of Department of Licensing

Establishing procedures for issuing replacement boat titles.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing is required to register watercraft and collect registration fees and issue title certificates on vessels operated on the waters of the state. The fees collected are deposited in the General Fund and registration numbers and vessel decals are issued.

The Department, through administrative rule, has been charging $1.00 for the replacement of titles, registrations, or decals which are lost or destroyed. Questions have been posed as to the authority for assessing a fee by rule without specific statutory authority.

SUMMARY:

Procedures and fees for the replacement of vessel titles, registrations, or decals are established by statute.

HB 1482

VOTES ON FINAL PASSAGE:

House	95	0
Senate	48	0

EFFECTIVE: June 11, 1986

HB 1483

C 108 L 86

By Representatives Wineberry, Baugher and Rayburn; by request of Department of Licensing

Repealing provision relating to special license plates.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing (DOL) issues special license plates to honorary consuls. Eligibility is extended to an official representative of any foreign government who is a U.S. citizen and is licensed by the U.S. Department of State. A one-time $25 plate fee is imposed, as well as the annual motor vehicle registration fees. The plates are distinguished by "DC" followed by four numerals. In some areas free parking is afforded holders of honorary consul plates. Forty-one sets of honorary consul plates currently exist.

Prior to May 1985, DOL also issued consul plates to foreign citizens who officially represent their own governments and who were licensed with the U.S. Department of State. In May of that year, the U.S. Department of State terminated Washington State's authority to issue consul plates and began issuing all consul plates. At the same time, the Department of State ceased to recognize honorary consuls and recommended that the practice of state issuance of honorary consuls plates be discontinued.

Personalized license plates consist of a minimum of two letters and/or numbers and a maximum of seven. Until recently, DOL's computer system could not accept a minimum of one position.

SUMMARY:

The state statute authorizing the issuance of honorary consul plates to representatives of foreign governments is repealed in compliance with the policy of the U.S. Department of State.

The minimum number of letters and/or numbers on a personalized license plate is changed from two to one.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	47	0

EFFECTIVE: June 11, 1986

HB 1486

C 171 L 86

By Representatives Peery, Nealey, Brooks, Baugher, Ballard, Chandler, Vekich, Doty, Madsen, Bristow, Rayburn, Jacobsen, Kremen, Tilly, Lux, Smitherman, Tanner, Prince, Sutherland, Dellwo, Vander Stoep, Sayan, Lewis, S. Wilson and Fisch

Repealing the sunset termination of the fairs commission.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law requires a percentage of the daily parimutuel gross receipts of horse races to be filed with the Washington Horse Racing Commission. Of the monies received from this requirement and from licensing fees, 35% is to be paid into the Fair Fund. The Director of Agriculture is authorized to allocate monies from this fund for agricultural fairs and for administrative expenses. The Fairs Commission was established to assist in preparing a merit rating system used in determining allocations to be made to fairs and to perform other duties required by the Director. The Commission consists of the Director and seven members appointed by the Director. In 1983, the Fairs Commission was scheduled for review and termination under the Washington Sunset Act.

State law authorizes a county commission of a Class A county owning property suitable for agricultural fairs to lease the property for such purposes to a nonprofit organization that has demonstrated its qualifications to conduct agricultural fairs. The lessee may use or rent out the property at times other than the fair season for nonfair purposes to obtain income for fair purposes. During the fair season, the lessee may sublease, with the approval of the county commission, portions

of the property for purposes and activities associated with the fair.

SUMMARY:

The provisions of the Washington Sunset Act are repealed which terminate the Fairs Commission and repeal the statute creating the Commission.

The provisions of law authorizing the county commission of a Class A county to lease property suitable for agricultural fair purposes to certain nonprofit organizations for such purposes are altered. That authority is granted to the legislative authority of any county. When requested to do so, a legislative authority must file a copy of such a lease agreement with the Department of Agriculture or the Fairs Commission.

VOTES ON FINAL PASSAGE:

House	94	0	
Senate	44	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1490

C 54 L 86

By Representatives Baugher, R. King, Chandler, Wang, Ballard, Lux, Patrick and Rayburn; by request of Joint Select Committee on Industrial Insurance

Modifying reimbursements for certain industrial insurance payments.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries or a self-insured employer is required to make initial temporary total disability payments to injured workers within 14 days of the filing of an industrial insurance claim. If a final decision to accept or reject the claim has not been made within 14 days, the payments are provisional. If the claim is ultimately rejected, however, the Department or self-insurer does not have authority to recoup the benefits already paid to the claimant.

SUMMARY:

A recipient of provisional temporary total disability benefits is required to repay the benefits if the claim is ultimately rejected by department order. If not repaid, the department or self-insurer may make recoupment from future benefits. The director may exercise discretion to waive recoupment of all or part of the benefits where recovery would be against equity and good conscience.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	40	7

EFFECTIVE: June 11, 1986

SHB 1493

C 114 L 86

By Committee on Transportation (originally sponsored by Representatives Rayburn and Baugher)

Restricting the application of motorist service business sign restrictions.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Since passage of the Scenic Vistas act in 1971, service businesses wishing to place logos on information panels along the state's highways have been required to conform to specific state regulations. Included in these regulations has been a height restriction of fifteen feet above the business' main building for all on-premise signs, regardless of the business' distance from the state highway.

Since 1971, the Department of Transportation has by rule allowed only businesses located within one mile of the highway to place logos on information panels. The height restriction for on-premise signs applies only to those businesses.

In 1985 the Legislature prescribed conditions under which businesses up to fifteen miles from the highway could place logos on information panels. Currently, all of these businesses are subject to height restrictions on their on-premise signs.

SUMMARY:

Motorist service businesses, located within one mile of a state highway, continue to be required to conform with specific height restrictions on all on-premise signs, in order to display their name or logo on an

information panel located on the state highway. Other motorist service businesses, more distant from the highway, are no longer required to meet such restrictions in order to display logos on highway information panels.

In addition, local governments may place or permit placement of directional signing on local government rights-of-way. These signs direct motorists to specific service businesses which display their logo on highway information panels. Local governments may charge appropriate fees to cover the cost of issuing permits, installation or maintenance of such signs.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	41	1

EFFECTIVE: June 11, 1986

SHB 1495

C 115 L 86

By Committee on Social & Health Services (originally sponsored by Representative Brekke)

Permitting health care assistants to perform in certain functions.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The 1984 legislature enacted legislation authorizing physicians, osteopathic physicians, podiatrists and registered nurses to certify health care assistants in order to delegate certain functions to them, within the scope of their respective practices, and under their supervision. The Department of Licensing has authority to establish uniform standards and qualifications for certification, and maintains a roster of health care assistants certified by health care practitioners.

Neither physicians nor qualified nurse practitioners who have authority to order treatment of patients served by renal dialysis facilities, are available to supervise health care assistants providing this care. Registered nurses have been fulfilling this supervisory function for many years.

Clinical laboratories, certified under federal regulations to perform blood tests and other health services, do not have physicians available to supervise the performance of these functions.

SUMMARY:

Health care assistants trained by federally approved renal dialysis facilities are authorized to perform specified medical procedures related to kidney dialysis treatment to patients served by these facilities if a registered nurse is physically present and immediately available in the facility, or if a physician and registered nurse are available for consultation during home dialysis treatments.

Clinical laboratories certified under federal regulations are authorized to certify health care assistants for performing functions within the scope of the clinical laboratory practice.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	45	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1496

C 43 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Appelwick, Patrick and P. King; by request of Horse Racing Commission)

Providing funds for the horse racing commission.

House Committee on Commerce & Labor

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Parimutuel monies from horse racing are allocated by statute. Percentages of the daily gross receipts are designated for the state, the licensed race meets and trade and agricultural fair funds. The amounts not specifically designated by statute go to the bettors at the race meets.

The state's share of daily gross receipts is calculated by a statutory formula. Out of the state's share, the Horse Racing Commission gets 22 percent and the general fund gets 40 percent. Before 1985 the state

general fund, in the case of exotic races (races involving more than one selection to win), received one percent additional to the basic formula. After 1985, the state's share from exotic races was set at 2.5 percent on races requiring two selections and 3.5 percent on races requiring three or more selections. From the 2.5 percent and 3.5 percent, the Horse Racing Commission is authorized to withhold its percentage under the general rule, which would be 22 percent. The Horse Racing Commission's authority to withhold 22 percent from the state's supplemental share on exotics expires June 30, 1987.

SUMMARY:

The Horse Racing Commission is required to withhold its authorized percentage (22 percent) from the state's 2.5 and 3.5 percent shares and forward the balance to the general fund.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	43	0

EFFECTIVE: June 11, 1986

HB 1499

C 153 L 86

By Representatives Zellinsky, Patrick, Armstrong, Hargrove and Tanner

Revising provisions relating to alcohol breath testing.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

One of the ways a person can commit the crime of driving while under the influence (DWI) is to drive with "0.10 percent or more by weight of alcohol in his blood." A violation of this "per se" provision does not require a showing that the person was affected by the alcohol or that his driving was impaired because he had that much alcohol in his blood. Although the crime is defined in terms of alcohol in the blood, in fact almost all per se DWI arrests involve a test of the alcohol content of the driver's breath. The breath testing machines used for this purpose are designed to produce a reading that translates the breath sample into a blood alcohol content equivalent. The so-called "partition ratio" is used to make this translation. Breath testing machines use a partition ratio of 2,100 to one. That is, the concentration of alcohol in a person's blood is taken to be 2,100 times greater than the concentration in his breath. Using a partition ratio of 2,100 to one, the statutory per se definition of "0.10 percent alcohol in the blood" is the same as saying "0.10 grams per 210 liters of breath."

The Implied Consent law provides that a person arrested for DWI must submit to an alcohol test or lose his driver's license. With limited exceptions, the person cannot be physically forced to take a test. Also, with limited exceptions the person is to be given a test of his breath only, although he himself may arrange for additional tests of his blood or other bodily substances. A person under arrest for vehicular homicide or assault or an unconscious person under arrest for DWI may be forced to submit to a breath or blood test.

The courts are authorized to order the forfeiture of a firearm found concealed on a person who has 0.10 percent or more by weight of alcohol in his blood.

SUMMARY:

The definition of "per se" DWI is changed. The crime is described in terms of breath alcohol content rather than blood alcohol content.

The same definitional change is made in the concealed weapons law.

In certain instances a person may violate the implied consent law by not submitting to a blood test. Persons who will lose their driver's licenses if they refuse a blood test include those physically incapable of taking a breath test and those hospitalized in a place where breath testing equipment is unavailable.

VOTES ON FINAL PASSAGE:

House	95	2	
Senate	44	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	46	2	
House	94	2	

EFFECTIVE: June 11, 1986

HB 1504

C 260 L 86

By Representatives Hine, Barnes, G. Nelson, Hargrove, Schmidt, Fisch, Sutherland and Zellinsky

Modifying moorage facilities' procedures for transient vessels.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Existing statutes specify a procedure by which moorage facilities operated by public entities may enforce collections of fees.

SUMMARY:

Statutes relating to the procedures by which moorage facilities, operated by public entities, enforce collections of fees are altered as follows:

(1) A class of vessels referred to as "transient vessels" is established. The operator of the facility need not provide notice by registered mail to the owner of the impoundment of a transient vessel.

(2) An operator of a facility need not wait 60 days after providing notice that fees are due before impounding a vessel.

(3) Requirements are altered concerning information that must be included in notices of delinquency that are attached to a vessel.

(4) Recognition is made that money placed into security by the owner during a dispute over unpaid fees may be used to pay moorage fees that are agreed to in a settlement made apart from a court judgment on the issue.

(5) The time period to establish an abandoned vessel, and thus allow the operator to sell a vessel, is reduced from 180 to 90 days after notification or attempted notification of the owner.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	47	0

EFFECTIVE: June 11, 1986

2SHB 1505

C 172 L 86

By Committee on Ways & Means (originally sponsored by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi)

Establishing a pilot project to employ those hard to employ.

House Committee on Trade & Economic Development

House Committee on Ways & Means

Senate Committee on Commerce & Labor

BACKGROUND:

The federal government has experimented with a number of approaches to provide work for welfare recipients. In the Deficit Reduction Act of 1984 the federal government has granted waivers of income requirements for grant diversion programs. Grant diversion allows a welfare recipient to transfer his or her grant to a wage pool which is supplemented by a private employer. In a recent study of welfare grant diversion, the Manpower Demonstration Research Corporation (MDRC) stated that grant diversion is a feasible program, but recommended a targeted program with adequate planning time to encourage employer participation.

SUMMARY:

The Employment Partnership Program is created to develop a series of model grant diversion projects. The goals of the program are to reduce inefficiencies in administration of human services and employment programs, create voluntary incentives to reduce unemployment and to provide state and federal support services to welfare recipients.

The Employment Partnership Program will be a cooperative program between the Department of Social and Health Services (DSHS) and the Department of Employment Security. DSHS is designated as the lead agency for purposes of complying with federal regulations.

The grant diversion projects must conform to the following criteria:

(1) They must be voluntary;

(2) No existing workers, neither part or full-time, can be displaced and no union can be decertified;

(3) Wages and worker benefits must be paid at the usual and customary rate of comparable jobs;

(4) A recoupment process is to be developed to recover state supplemented wages from an employer when a job does not last six months for reasons other than voluntarily quitting or being fired for good cause;

(5) Job placements must have promotional opportunities;

(6) Other necessary support services such as medical insurance training, day care and transportation must be provided to the extent possible;

(7) Employers will be required to provide a minimum of fifty percent monetary matching funds;

(8) Wages shall be at least $5.00 per hour, and the participant must be employed at least six months following the training period; and

(9) The projects shall target the hardest-to-employ populations.

In addition, grants may be diverted for the start-up or retention of employee-owned businesses if: (1) A feasibility study or business plan is completed on the proposed business; and (2) The project is approved by the loan committee of the Washington state development loan fund.

Annual reports to the legislature are required.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	0	(Senate amended)
House			(House concurred in part)
Senate	44	0	(Senate receded)
House	92	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1511

C 99 L 86

By Representatives Belcher, Hankins and Ebersole; by request of State Treasurer

Revising provisions relating to state warrants.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

State warrants issued by the State Treasurer must be presented for payment within two years of the date of issue. Warrants outstanding beyond two years are cancelled on the books of the State Treasurer. Payees of cancelled warrants can still collect the full amount by presenting the cancelled warrant to the State Treasurer.

A federal regulation effective September 17, 1985, requires the state to return the federal share of warrants for Aid to Families with Dependent Children (AFDC) that have not been presented for payment within 180 days from the issue date.

SUMMARY:

The State Treasurer is to cancel warrants that are outstanding beyond 180 days. Payees of cancelled warrants can still collect the full amount by presenting the cancelled warrant to the State Treasurer.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	45	0

EFFECTIVE: June 11, 1986

HB 1517

C 44 L 86

By Representatives Appelwick and Hastings

Modifying provisions on estate taxation.

House Committee on Ways & Means

Senate Committee on Ways & Means

HB 1517

BACKGROUND:

If an estate is not subject to the estate tax, the personal representative of an estate can request and the Department of Revenue is required to provide a certificate of nonliability which indicates the estate is not subject to this tax.

SUMMARY:

The requirement that the Department of Revenue must provide a certificate of nonliability when no tax is due is eliminated.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	45	0

EFFECTIVE: June 11, 1986

HB 1518

C 101 L 86

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

Repealing the requirement that written summaries of the implied consent law be furnished to drivers.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing must furnish every driver's license applicant a summary of the Implied Consent law. (This law assumes that any person operating a motor vehicle will consent to blood alcohol content testing at the discretion of an arresting officer). The requirement has been in effect since passage of Implied Consent in 1968 and is accomplished by printing the required information: 1) on the back of all driver's license renewal notices; and, 2) in the official driver's guide.

People currently licensed in Washington State have been advised of this law. New applicants for a Washington driver's license have access to information regarding this law in the official driver's guide.

The Department feels repeatedly furnishing drivers a summary of the Implied Consent law is unnecessary to ensure that they understand the legal ramifications of refusal to submit to blood alcohol testing. Further, the Department would be able to utilize the space taken currently by Implied Consent on the license renewal card to provide information on other new legislative changes of interest to drivers.

SUMMARY:

The requirement that the Department of Licensing furnish every applicant for a driver's license or license renewal with a written summary of the Implied Consent law and its related provisions is repealed.

VOTES ON FINAL PASSAGE:

House	91	6
Senate	40	0

EFFECTIVE: June 11, 1986

HB 1519

C 80 L 86

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

Revising requirements for motorcycle driver training schools.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing is responsible for motorcycle operator training and education programs. With the recent exception of motorcycle operators under the age of 18 years, for whom motorcycle training is mandatory, these programs are voluntary.

Resources for these programs come from a dedicated fund for motorcycle safety education supported by motorcycle operator permits, examination and license renewal fees.

Laws regulating driver training schools make reference to motorcycle training and education. This creates conflicts with the motorcycle safety program by requiring that equipment on training vehicles include student driver signs, dual brakes and two rearview mirrors. These requirements cannot be applied to motorcycles.

The laws affecting driver training schools specify insurance levels required for vehicles used by driver

training schools. These on-street insurance requirements have no relevance for motorcycles where training occurs off-street on tracks built specifically for motorcycle training. The Department also pays for insurance coverage of motorcycle training programs throughout the State under a blanket insurance policy. Insurance coverage, together with other technical and financial assistance provided by the Department, indicates the incentive nature of the motorcycle safety program as opposed to the regulatory nature of the driver training program.

Finally, separate advisory committees are formed for the licensing program and the driver training schools. These committees have overlapping and potentially conflicting jurisdiction as the laws are currently written.

Given the different funding sources, the need to maintain expenditures separately, and the basic differences in intent of the two programs, the Department is requesting complete separation of the laws and regulations affecting automobiles and motorcycles by eliminating all reference to motorcycles in the driver training schools law.

SUMMARY:

Motorcycle operator training and education programs are removed from the regulatory requirements governing driver training schools.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	47	0

EFFECTIVE: June 11, 1986

SHB 1540

C 81 L 86

By Committee on Environmental Affairs (originally sponsored by Representative: Nutley, Allen and Bristow)

Regulating the effective date of solid waste functional standards.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

In 1984, legislation was enacted that directed the Department of Ecology (DOE) to adopt siting criteria for solid waste disposal facilities. The legislation specified that the standards be designed to use the best available technology to protect the environment and human health. The siting criteria was included as part of new minimal functional standards that were adopted by DOE late last year. DOE is currently working with local governments on an informal basis to determine the costs of implementing these new standards.

SUMMARY:

The Department of Ecology (DOE) is directed to assess the actions taken or proposed by local agencies to protect groundwater and surface water at landfills. DOE is also directed to evaluate the effectiveness and costs of the new minimum functional standards, and to compare them with the cost and effectiveness of the prior standards. DOE is directed to propose financing mechanisms to fund implementation of the new standards.

There is a $49,000 appropriation to DOE to implement this act.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	44	0

EFFECTIVE: June 11, 1986

SHB 1545

C 173 L 86

By Committee on Agriculture (originally sponsored by Representatives Baugher, Rayburn, Vekich, Bristow, Doty, Nealey, Sutherland, Sayan and Todd)

Requiring hydraulic permit process for project approval and protection of fish life.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

To ensure the protection of fish life, state law requires that a person secure the written approval of the Department of Fisheries or Department of Game to construct any form of hydraulic project or other work

that will: (1) use, divert, obstruct or change the natural flow or bed of any river or stream; or (2) use any of the salt or fresh waters of the state or materials from the stream beds. The subject of the approval is the adequacy of the means proposed for protecting fish life. For each application, the departments must mutually agree on which department is to administer the approval requirements. In case of an emergency arising from natural conditions, oral permits are to be issued immediately upon request in certain instances.

A violation of the requirement to secure an approval or a violation of the conditions of an approval constitutes a gross misdemeanor and projects constructed without compliance may be abated as public nuisances.

SUMMARY:

GENERAL. A person must secure the written approval of the Department of Fisheries or the Department of Game to construct a project or to perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Exempted from regulation under the hydraulic approval statutes are certain activities within the beds of artificial watercourses. Approval is not required for the act of driving across an established ford. However, driving across streams or wetted stream beds at other areas and conducting certain work to construct or repair a ford require approval.

Oral approval shall be granted immediately upon request for a stream crossing during an emergency situation. The circumstances under which other oral permits shall be issued in response to emergencies arising from natural conditions are broadened.

AGRICULTURAL WATER DIVERSIONS. An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and involve seasonal construction or other work. A permittee must notify the appropriate department before commencing the construction or other work within an area covered by such an approval.

APPEALS BOARD. A new board is created to review appeals concerning hydraulic permits for the construction of, or other work on, projects which divert water for agricultural irrigation or stock watering purposes. The Hydraulic Appeals Board is established within the Environmental Hearings Office and consists of 3 members. The members are the directors or their designees of the following departments: the Department of Ecology; the Department of Agriculture; and the department whose action regarding a hydraulic approval is being appealed. The issuance, denial, conditioning, or modification of a hydraulic approval is appealable to the Board within 30 days of the notice of decision. The party making an appeal may elect either a formal or informal hearing by the Board.

A decision of the Board must be agreed to by at least two members. The review proceedings of the Board are to be conducted as contested cases and decisions are subject to judicial review.

CIVIL PENALTIES. The Department of Fisheries and the Department of Game may each levy civil penalties of up to $100 for each day of a violation of the hydraulic permit statutes. A penalty shall be imposed by notice in writing, either by certified mail or personal service, and is appealable under the Administrative Procedures Act to the director of the department levying the penalty. If the penalty is not paid within 30 days of becoming due and payable, the Attorney General may, upon the request of the director of the department, bring an action in superior court to recover the penalty. All penalties recovered shall be paid into the state's general fund.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1563

C 47 L 86

By Representatives Rust, Tilly and Unsoeld

Changing provisions relating to winter recreational facilities.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

In order to provide funding for nonsnowmobiling winter recreation facilities and programs, a parking permit is required for certain winter recreational parking areas. The fee is set by the Parks and Recreation Commission after consultation with the Winter Recreation Advisory Committee. The fee may not exceed $10 per year.

The Winter Recreation Advisory Committee provides advice and assistance to the Parks and Recreation Commission regarding many aspects of winter recreation, including the development of winter recreation facilities and programs. The committee consists of six persons who participate in winter recreation activities other than snowmobiling, three snowmobilers, and one representative each from the Department of Game, the Department of Natural Resources and the Washington State Association of Counties. Members begin their terms in July. Current statute provides for the termination of the committee on June 30, 1986.

SUMMARY:

The maximum fee of $10 per year for winter recreational area parking permits is deleted. The fee will be established by the Parks and Recreation Commission after consultation with the Winter Recreation Advisory Committee.

Members of the Winter Recreation Advisory Committee will begin their terms in October instead of July. The termination provision for the Winter Recreation Advisory Committee is extended until June 30, 1991.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	40	2

EFFECTIVE: June 11, 1986

SHB 1564

C 256 L 86

By Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Barnes, Allen, Brough, Long and Tanner)

Extending the time allowed for protests of proposed local improvement districts.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Local improvement districts (LID's) are mechanisms used by various local governments to finance local improvements. Utility LID's (ULID's) are a slight variation of LID's.

Each type of local government that can create LID's has its own separate laws controlling the creation process. Although these processes have some differences, they are in general quite similar.

Generally, the process of initiating the creation of an LID is by either: (1) petition of the owners of a certain percentage of the property proposed to be included in the LID; or (2) resolution of the governing body of the local government. A further procedure is frequently enabling the owners of a certain percentage of the property to file objections to an LID initiated by resolution and stop the government from proceeding with the LID.

Provisions generally are provided enabling property owners to file lawsuits over the LID. Failure to file a lawsuit within the given time period precludes a later lawsuit being successful. Generally such a lawsuit must be filed within 30 days of the creation of the LID, and may be filed by any affected person. Sewer districts and water districts have no statutory time period within which such a lawsuit must be filed.

SUMMARY:

The time period is increased within which property owner protests may be filed with a sewer or water district board of commissioners to stop the creation of a local improvement district (LID) or utility local improvement district (ULID) initiated by resolution. Protests may be filed no later than 10 days after the public hearing on the proposed creation.

A statutory time period is established within which lawsuits challenging the proposed creation of LID's or ULID's initiated by a sewer district or water district must be filed. Such a lawsuit must be filed within 30 days of the publishing of a notice that the LID or ULID has been created by the water district or sewer district.

VOTES ON FINAL PASSAGE:

House	95	3
Senate	45	1

EFFECTIVE: June 11, 1986

HB 1572

C 49 L 86

By Representatives Todd, Long and Unsoeld; by request of Utilities and Transportation Commission

Modifying certain practices in proceedings of the utilities and transportation commission.

HB 1572

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Statute law contains provisions specifying the manner in which the Utilities and Transportation Commission (UTC) may reconsider a regulatory decision it made. The Administrative Procedures Act (APA) allows agencies to provide for reconsideration through agency rules. The Commission has adopted reconsideration rules under the APA. Court decision held that the APA standards control the UTC statute. In this context, these statutory provisions are surplus.

SUMMARY:

The reconsideration provisions peculiar to the Utilities and Transportation Commission are repealed.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	43	0

EFFECTIVE: June 11, 1986

SHB 1580

C 85 L 86

By Committee on Judiciary (originally sponsored by Representatives Bristow, Fuhrman, Niemi, Armstrong, Valle, Hargrove, Appelwick, Crane, Sutherland, Lux and P. King)

Revising criminal statutes of limitations.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

With few exceptions, criminal charges against law breakers are subject to the state statute of limitations and, as such, cannot be brought beyond the periods prescribed in the statute. The period applicable to a given offense begins to run as of the date the offense is committed. A three-year period is prescribed for certain offenses which are defined and treated as class "C" felonies under the medical care law administered by the department of social and health services and which generally relate to obtaining fraudulent or excessive payments under that law. These class "C" felonies all relate to actions by vendors rather than by recipients.

SUMMARY:

A five-year statute of limitations is prescribed for all class "C" felony offenses defined under the medical care law administered by the department of social and health services.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	44	0

EFFECTIVE: June 11, 1986

SHB 1581

C 55 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, J. King, Wang, Chandler, Patrick and Fisch)

Revising provisions relating to claims closure in industrial insurance cases.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Employers who self-insure their workers' compensation obligations are authorized to close the claims of their injured workers if the claim involves medical treatment only. If the injured worker is entitled to compensation for temporary total disability (time-loss) or other compensation awards, the claim must be closed by the Department of Labor and Industries.

SUMMARY:

Self-insured employers may close the claims of their injured workers if the following conditions are satisfied: (1) the claim involves only medical treatment or temporary total disability benefits or both; (2) the claim does not involve permanent disability; (3) there has been no dispute over the claim requiring intervention by the Department of Labor and Industries; and (4) the worker has returned to work with the self-insurer. The self-insurer must report closure of these claims as required by department rules.

Upon closure, the self-insurer must notify the worker that the claim is being closed, specifying the benefits

provided, with the condition that the worker has returned to work with the employer. The worker must also be informed that a protest may be made to the department if the worker disagrees with the benefits provided or the conditions or with duration of the worker's return to work.

If the department discovers any error or violation of the conditions of claim closure within two years of closure, the department may order the self-insurer to correct the benefits paid.

Determinations of permanent disability will be made by the department.

The department will conduct a study of the self-insurer claim closure program, to be funded by assessments on self-insurers. The department will make periodic reports on the study to the Joint Select Committee on Industrial Insurance or the appropriate standing committees in the Senate and House of Representatives and to the workers' compensation advisory committee. A final report will be made to the legislature at the start of the 1988 legislative session.

The self-insurer claim closure program is in effect from July 1, 1986, to June 30, 1988. The department's study of the program will terminate on July 1, 1988.

There is an appropriation of $49,000 from the state fund medical aid and accident funds to the department for the study.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	1

EFFECTIVE: June 11, 1986
July 1, 1986 (Section 1)

SHB 1587

PARTIAL VETO

C 276 L 86

By Committee on Trade & Economic Development (originally sponsored by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty

Providing for expanded international trade.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

In 1982 Congress passed legislation encouraging the establishment of export trading companies to develop export markets for goods and services produced in the United States. The federal legislation specifically authorizes public ports and financial institutions to use the Export Trading Company Act. The federal act provides protections from antitrust challenges to those entities which have been certified. To be certified, an export trading company must demonstrate that there will not be a substantial lessening of competition, restraint of trade, or unfair competition. Washington state port districts do not currently have the authority to establish export trading companies authorized by the federal act.

SUMMARY:

The legislature finds that international trade is an important activity for the state's economic health. Port districts are found to be in a good position to encourage more international trade. Activities by port districts to develop export trading companies are declared to constitute trade promotion and industrial development, for which purposes port districts may spend public money. Export trading companies are intended to focus on export of Washington state goods and services.

Port districts, except for county-wide ports in Class A and AA counties, are authorized to establish export trading companies for the purpose of promoting international trade. A port district may establish only one export trading company. Export trading companies are permitted to provide export services. Export services include, among other activities, marketing, promotion, consulting, legal assistance and trade documentation. These services may be provided through holding and disposing of goods, entering into contracts, and taking title to goods. The export services are to be conducted through Washington ports. Export companies may not be in the business of transportation, freight-forwarding, insurance, foreign exchange or warehousing. The Department of Trade and Economic Development or Department of Agriculture must approve the import by a port sponsored export trading company of any goods from outside the state which are manufactured, grown or produced in this state. An export trading company may not import goods from outside the state for sale in-state in competition with Washington goods and services. The export trading company must charge for its services at competitive market rates.

SHB 1587

Port districts may establish export trading companies only by resolution by the port commissioners after developing a business plan. The resolution must adopt a charter for the export trading company. The export trading company is an independent entity from the port district and its debts and obligations are not chargeable against the port district. The export trading company may borrow money and is authorized to seek antitrust immunity. A port may provide up to $500,000 in financial assistance to an export trading company. This assistance is limited to five years.

Records and information supplied by private entities to export trading companies are confidential and are exempted from the Public Disclosure Act. An executive session may be held to consider this information.

Upon request of the legislative committee on economic development, the Washington Public Ports Association must report on the impact of export trading companies on the state's economy.

The authority of ports to establish export trading companies expires on July 1, 1991 and is subject to sunset review.

VOTES ON FINAL PASSAGE:

House	61	35	
Senate	32	12	(Senate amended)
House			(House refused)

Free Conference Committee

Senate	32	11	
House	62	30	

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Provisions requiring the Department of Trade and Economic Development or the Department of Agriculture to approve imports of goods which compete with Washington state goods are vetoed. The requirement of a report on the impact of export trading companies is also eliminated. A provision authorizing the export trading company to enter into contracts, joint ventures, brokerage, or other agreements to provide export services is created. (See VETO MESSAGE)

SHB 1593

C 205 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Day, Smitherman, Lewis, Winsley, R. King, J. King, Patrick, Wang, Bond and Chandler)

Requiring health care facilities to establish rules for granting staff membership and profession privileges.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

There is no specific statutory authority governing the granting of staff membership or professional privileges by hospitals for physicians or other health care practitioners wishing to treat patients in hospital settings.

SUMMARY:

Hospitals are required within 180 days of the effective date of this act, to establish standards and procedures for considering applications for staff membership or professional privileges. The governing bodies of hospitals, except those which employ their own medical staff, may not discriminate against persons applying for staff privileges solely on the basis of whether these persons are licensed as physicians, osteopathic physicians or podiatrists. The Superior Court may grant injunctions restraining any violations of this act but a hospital is not required to grant staff privileges until a final determination is made upon the merits by the hospital governing body.

VOTES ON FINAL PASSAGE:

House	93	3	
Senate	40	4	(Senate amended)
House			(House concurred in part)
Senate	41	5	(Senate receded)
House	86	9	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1598

PARTIAL VETO

C 301 L 86

By Committee on Judiciary (originally sponsored by Representatives Valle, Crane, Kremen, Smitherman, P. King, Hargrove, Zellinsky, Bristow, Scott, Todd, Wang, Ebersole, Winsley, Basich, Brough and May)

Revising the sexual offender treatment program.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Under some circumstances, a person convicted of a felony sex crime who receives a sentence of between one and six years may be committed to a state hospital, rather than to prison. Upon conviction, such a person may be sent to the state hospital for evaluation of his amenability to treatment. The Department of Social and Health Services (DSHS) operates a sexual offender treatment program at the western state and eastern state hospitals. The sentencing court must review the hospital's finding of amenability to treatment and then decide whether to have the person committed to the hospital or to prison.

DSHS may refer back to court a person assigned to the sexual offender treatment program who does not comply with the conditions of the program. The court then must decide whether to transfer the person to the Department of Corrections (DOC) for completion of his sentence.

If a person successfully completes the sexual offender treatment program, then the court may convert whatever time remains on his confinement sentence to community supervision. If the person violates a term of his community supervision, he may be ordered to serve the remainder of his sentence in the custody of DOC.

The Sentencing Reform Act applies to all felons sentenced for crimes committed after July 1, 1984. Under that Act, an offender is given a determinate sentence, a set amount of time to serve in confinement. The length of the sentence is determined by the court after matching the offender's criminal history score with the severity of the current offense and considering any aggravating or mitigating circumstances.

If a sentence is longer than one year, then the offender is committed to the Department of Corrections for the entire length of the sentence. When the sentence is completed, the offender is completely released--there is no mandated parole or other type of community supervision. The offender may volunteer to participate in a work program after release.

SUMMARY:

The sexual offender treatment program is transferred from DSHS to DOC, effective July 1, 1987. Effective July 1, 1987, no felony sexual offenders will be committed to DSHS. By July 1, 1993, no felony sexual offenders will remain in the custody of DSHS.

Effective immediately, the treatment provider (DSHS before July 1, 1987 and DOC after that date) must indicate that an offender is amenable to treatment before the sentencing court can commit the offender to treatment.

DOC is directed to develop a plan for the administration of the treatment program within DOC. The department is to consult with DSHS in developing the plan. The plan must be submitted to the the legislature by January 1, 1987 and will take effect July 1, 1987 unless otherwise provided by law.

DSHS is required to pay DOC for the cost of incarcerating persons denied treatment in DSHS during the remainder of the biennium.

When sentencing persons convicted of sex offenses committed after July 1, 1986, to a term of more than one year, the court may order that the offender, upon release, serve time under community supervision. Persons who are convicted of a sex offense can be ordered to serve up to two years under community supervision.

The length and conditions of supervision will be set by the court at the time of sentencing. The conditions of supervision a court can order are limited to (1) crime-related conditions, (2) a requirement that the offender report regularly to a community corrections officer, and (3) a requirement to remain within or without certain geographical boundaries. The period of supervision may not exceed the statutory maximum term for the offender's crime.

If an offender violates any condition of supervision, the sentencing court, after conducting a hearing, may order the offender to be confined up to 60 days in the county jail at state expense.

Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	38	0	
House	95	3	

EFFECTIVE: April 4, 1986
July 1, 1987 (Section 4)

PARTIAL VETO SUMMARY:

The veto removes those portions of the enactment dealing with post-release supervision of sex offenders. (See VETO MESSAGE)

HB 1599

C 16 L 86

By Representatives Dellwo, Tilly, Sutherland, Nealey and Lux

Revising snowmobile regulation.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

Snowmobiles owned or operated in the state must be registered by the Department of Licensing. The annual registration fee is $10. Snowmobiles registered in other states may operate in Washington for up to 15 consecutive days without registering if their state provides the same exemption for Washington snowmobilers. This reciprocal agreement does not currently apply to Canadian Provinces. Nonresident registration permits may also be issued for 60 days.

The Snowmobile Advisory Committee provides advice to the Washington State Parks and Recreation Commission regarding snowmobile policies. The committee consists of six snowmobilers, three nonsnowmobilers, and a representative each from the Department of Game, Department of Natural Resources and the Washington State Association of Counties. Members begin their terms in July.

SUMMARY:

Residents of Canadian provinces may be exempted from the snowmobile registration provisions for a period of 15 consecutive days if a similar exemption is granted to Washington residents. The fee for registration is set by the Washington State Parks and Recreation Commission, after consultation with the Snowmobile Advisory Committee. The fee may not exceed $15 per year. New members of the Snowmobile Advisory Committee will begin their term in October.

VOTES ON FINAL PASSAGE:

House	92	3
Senate	45	0

EFFECTIVE: June 11, 1986

HB 1602

C 65 L 86

By Representatives Sayan and Lundquist

Requiring advisement in notice of sale or prospectus that timber sold separate from public land is subject to property tax.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

Public timber, when sold separately from the land, has been subject to property tax since 1983. The landowner is required by law to notify each bidder that such timber is subject to property tax.

The Department of Natural Resources (DNR) is concerned that under its interpretation of this notification requirement, merely placing the notice in the timber sale advertisement may not meet the letter of the law since bidders might not have read the advertisement. To demonstrate compliance with the law, DNR requires all bidders to sign a register acknowledging notice of the provision.

DNR fears that failing to meet the letter of the law would open the door for a purchaser to invalidate a contested contract.

SUMMARY:

Each bidder on public timber sales must be notified that the timber is subject to property tax. The notification method is changed from providing each bidder with a written notice to specifically requiring a notification statement in the notice of sale or prospectus.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	44	0

EFFECTIVE: June 11, 1986

HB 1614

C 174 L 86

By Representatives Long and Armstrong; by request of Department of Licensing

Delaying certain new prerequisites for the issuance of vehicle licenses.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Beginning July 1, 1986, a person must possess a valid driver's license to register a vehicle or renew a vehicle registration. Exceptions are provided. Corporations are exempted. Individuals without a valid driver's license must provide an affidavit indicating why a valid driver's license has not been issued, the need to register the vehicle, and a statement that no unlicensed drivers will drive the vehicle in order to register a vehicle or renew a vehicle registration. There is no effect upon the purchasing or financing of motor vehicles.

The program is dependent upon the implementation of the County Auditor Automation Project which was scheduled to be implemented by January 1, 1986, but has now been delayed indefinitely.

SUMMARY:

The requirement to have a valid driver's license to register or renew a vehicle's registration is delayed until January 1, 1990. The Legislative Transportation Committee will conduct a study on this requirement and will report to the Legislature prior to January 1, 1989.

Data on deaths and injuries caused by unlicensed drivers shall be included in the review by the Legislative Transportation Committee of the merits and costs of implementing this driver licensing program.

VOTES ON FINAL PASSAGE:

House	88	5	
Senate	45	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	44	2
House	98	1

EFFECTIVE: January 1, 1990

SHB 1622

C 46 L 86

By Committee on Local Government (originally sponsored by Representatives Sayan and Grimm)

Revising flood control management plans.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

State grants for flood control purposes may only be given if: (1) the director of the Department of Ecology finds that local flood plain management activities of the country or city are adequate to protect or prevent new construction in the 100 year flood plain from flood damage; and (2) the local county engineer certifies that a comprehensive flood control management plan has been adopted or is being prepared for the river basin. Flood plain management activities include zoning, land use controls, and building standards that require the "flood proofing" of buildings. The comprehensive flood control management plan includes a study of the flooding and a review of alternative flood control work to lessen flood damage potential.

State grants may not exceed 50% of the flood control projects costs, except for emergency grants where no limit exists.

SUMMARY:

The state flood control grant program is altered as follows:

(1) It is clarified that the grants may be used for planning and design costs for specific projects;

(2) Grants of up to 75 percent of the cost may be used for preparing the more general comprehensive flood control management plans; and

(3) The Department of Ecology must consult with the Department of Game when making grants.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	44	0

EFFECTIVE: June 11, 1986

SHB 1624

C 133 L 86

By Committee on Education (originally sponsored by Representatives Peery, Ebersole, Taylor, Cole, Appelwick, P. King, Basich, Brough, Schoon and May)

Authorizing school levies to be for a period in excess of one year.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Currently, school districts generate funds for school construction through the sale of bonds. This funding mechanism generates substantial debt servicing costs for school districts. Districts have expressed a desire to fund small construction projects by a short term levy thereby eliminating debt servicing costs.

SUMMARY:

School districts are authorized to conduct a levy for a period exceeding one year. In addition to the two-year maintenance and operation levy, school districts may conduct a levy to support modernization, remodelling and construction of school facilities for up to six years.

Voter approval and ratification of an amendment to Article VII, Section 2 of the Washington State Constitution is required for these provisions to take effect. This act will take effect on December 15, 1986, if HJR 55 is approved by a vote of the people in November, 1986.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	44	3	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: December 15, 1986
(Pending approval of HJR 55)

HB 1630

PARTIAL VETO

C 223 L 86

By Representatives Lux, Barrett and Nutley; by request of Insurance Commissioner

Revising health care service contractor provisions.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Health care service contractors (HCSCs) are legal entities which enter into agreements with certain health professionals for prepaid health care services.

If the contractor agreement provides health services that are not provided by a participating health professional, then the services must be underwritten by an insurance company or otherwise guaranteed. Contractors are required to file lists of health professionals participating with the contractor.

SUMMARY:

Various code definitions governing HCSCs are modified for clarification. Health care services are defined to include custodial care and mental health coverage.

Provisions of the code governing HCSCs are amended to delete redundant and outdated language and to establish consistency with statutes governing health maintenance organizations.

Provisions governing contractor guarantee of benefits provided by nonparticipating health professionals are amended to establish a different basis for determining the maximum surety bond that the insurance commissioner may require.

Statutory requirements that HCSCs file lists of participating health care professionals are clarified.

The commissioner's authority to assess health care contractors for the cost of examinations is expanded

to allow assessment on any basis that treats contractors equitably, but the changes do not take effect if ESB 3636 takes effect providing for funding of the Commissioner office.

HCSCs may not provide coverage on a different basis than the coverage which the applicant has requested unless the contractor obtains a signed endorsement disclosing the coverage modifications.

If the principal enrollee under a health care service agreement dies or obtains a divorce, the remaining members under the agreement have the right to continue coverage without proof of insurability.

No HCSC may cancel coverage for a person because of a change in the physical or mental health of the person unless the contractor obtains coverage for such person with another contractor or insurer and the replacement coverage is comparable with existing coverage.

VOTES ON FINAL PASSAGE:

House	94	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: April 2, 1986

PARTIAL VETO SUMMARY:

Expansion of the commissioner's authority to assess health care service contractors for the cost of examinations is deleted in recognition of the passage and signature of ESB 3636 which provides funding of the commissioner's office through assessments on insurers. (See VETO MESSAGE)

HB 1631

C 135 L 86

By Representatives Braddock, Tilly, B. Williams and Brekke; by request of Department of Social and Health Services

Modifying provisions relating to nursing home cost reimbursement.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The federal Deficit Reduction Act (DEFRA) of 1984 revised federal policy regarding reimbursement for nursing home property costs. Federal law now prohibits rate increases solely due to changes in ownership for transactions occurring on or after July 18, 1984. The federal Department of Health and Human Services has indicated that it will approve rate increases for changes in ownership of facilities that were never previously owner operated.

Washington law governing nursing home property reimbursement has been found not in compliance with DEFRA by the federal Department of Health and Human Services. The Department of Social and Health Services has adopted emergency regulations to resolve the conflict between state statute and federal regulation in order to assure the continued flow of federal funds.

Prior to 1983, dues paid by nursing homes for membership in state and national associations were considered allowable costs and were reimbursable. In 1983, a change in the state statute prohibited national association dues from being an allowable cost.

SUMMARY:

State law defining the property reimbursement system for nursing homes is amended to conform with federal law. Increased reimbursement for property costs upon a change in ownership is prohibited for transactions occurring on or after July 18, 1984 (the effective date of DEFRA). Increased reimbursement for property costs upon a change of ownership is allowed for transfers of ownership which occurred prior to January 1, 1985 if the costs of the nursing home assets have never been reimbursed on an owner operated basis or as a related party lease.

The prohibition on national association dues by nursing home operators as an allowable cost is removed.

The Legislative Budget Committee will study the change in the state reimbursement system for nursing homes resulting from DEFRA and report the findings to the legislature by December 1, 1986.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	46	2	(Senate amended)
			(House Refuses)

Free Conference Committee

Senate	46	1	

House 94 0

EFFECTIVE: June 11, 1986

HB 1633

PARTIAL VETO

C 315 L 86

By Representative Appelwick

Providing for the taxation of timber harvested by public entities.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The timber excise tax is paid by private harvesters of public and private timber. If a public entity harvests timber, no tax is due even if the timber is immediately sold to a private company.

When the timber tax was extended to public timber, the tax did not apply to contracts written before August 1, 1982. This was done in order to allow bidders to take the impact of the tax into account when buying public timber. This exclusion has been interpreted to include a sale of land to a state agency which did not include the cutting rights to the timber. Since the sale took place before August 1, 1982, the timber is technically exempt from tax.

Lands may be transferred between various open space classifications without triggering roll back taxes. However, lands may not be transferred between classified forestland and open space farmland or open space forestland without resulting in a roll back. Such a transfer would require payment of taxes based on the difference between forestland and market value times the number of years under forestland assessment, but no more than 10.

Plantation Christmas tree operations are subject to B & O taxes at the rate of .484 percent. These operations also pay sales and use tax on seed, seedlings, and fertilizer.

SUMMARY:

Private businesses purchasing public timber which has already been cut must pay the timber excise tax.

The timber excise tax will apply to the harvesting of timber on lands which have been sold to a government entity under a contract where the seller has retained cutting rights.

An owner of classified forestland may transfer to the categories of open space farmland or open space forestland without triggering a tax roll back.

Plantation Christmas tree operations are exempted from the B & O tax and the sales and use tax on seed, seedlings, and fertilizer. This exemption is included with the present farm exemptions for these taxes.

VOTES ON FINAL PASSAGE:

House	95	1	
Senate	47	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	37	0
House	86	2

EFFECTIVE: June 11, 1986
April 4, 1986 (Section 8)

PARTIAL VETO SUMMARY:

The Governor vetoed those sections of House Bill 1633 which granted (1) sales and use tax exemptions on purchases of seed, seedlings, fertilizer, and spray materials used for plantation Christmas trees, and (2) business and occupation tax exemptions for Christmas tree farmers selling at wholesale. (See VETO MESSAGE)

HB 1635

C 134 L 86

By Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brekke, Brough, Miller R. King, P. King, Armstrong, Locke, Wineberry and Todd; by request of Governor Gardner

Requiring a study analyzing the feasibility of providing space for day care for children of state employees.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The increased number of two wage earner and single parent families has resulted in demand for child care

while parents work. According to U.S. government statistics, fifty percent of mothers with pre-school age children were working in the labor force in 1982.

During the 1984 session, the legislature enacted into law provisions establishing a self-supporting child care demonstration project for children of state employees. The center, which opened on January 6, 1986, has the capacity to accommodate 29 children. It operates from 6:45 a.m. to 6:15 p.m. Monday through Friday.

In July, 1985 the Governor's Task Force for Children's Day Care was formed. The recommendations of the task force, released December 31, 1985, covered five areas: (1) state policy on day care, (2) availability, (3) affordability, (4) quality and safety, and (5) implementation and coordination.

One of the recommendations of the Governor's task force calls for determining the feasibility of providing space for child day care facilities on or near state employees' work sites.

SUMMARY:

The Department of General Administration is required to conduct a study analyzing the feasibility of providing space for day care of children of state employees in or near existing and planned facilities that are, or will be, owned or leased by the state. The study is to include consideration of any constraints created by the architecture, size, and number of employees in a building; licensing of day care facilities, costs and other factors identified by the Department. The Department is to prepare a report explaining the findings of the study and recommend a state policy regarding provision of space for day care in state buildings. The report is to be submitted to the governor and legislature by October 30, 1986.

VOTES ON FINAL PASSAGE:

House	84	12
Senate	33	14

EFFECTIVE: June 11, 1986

HB 1637

C 45 L 86

By Representatives Baugher, Rayburn, Jacobsen, McMullen, Haugen, Zellinsky, Dellwo, Smitherman, Taylor, Day, Lewis, Braddock, Nealey, Unsoeld, P. King, J. Williams, Silver and Todd.

Expanding access to state emergency information telephone lines.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

The Department of Transportation provides a telephone line which individuals can call in order to obtain recorded information on weather and road conditions. This service has been criticized on the grounds that: (1) it costs too much to use; (2) it cannot be used from pay phones or with credit cards; and (3) it is unavailable in some rural communities.

SUMMARY:

Any state agency that provides emergency information by telephone must make the service available from pay telephones, by credit card and from all points around the state. The agency may recover its costs in providing the service.

VOTES ON FINAL PASSAGE:

House	78	17
Senate	44	0

EFFECTIVE: June 11, 1986

HB 1647

PARTIAL VETO

C 272 L 86

By Representatives Fisher, Sommers, Scott, Vander Stoep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long

Repealing sunset termination of public disclosure commission.

House Committee on Constitution, Elections & Ethics

Senate Committee on Governmental Operations

BACKGROUND:

In 1983, the Legislature added the Public Disclosure Commission to the list of agencies and programs to be reviewed under the Sunset Act. The Commission and its powers and duties are scheduled to terminate on June 30, 1986. Under the provisions of the Sunset law, statutes administered by the Commission and

those creating the Commission are currently scheduled to be repealed on June 30, 1987.

SUMMARY:

The sunset termination of the Public Disclosure Commission is postponed until June 30, 1992. The statutes creating the Commission and administered by the Commission are scheduled to be repealed on June 30, 1993.

Persons defined as being executive state officers under the reporting provisions of the public disclosure statutes are prohibited from filing as registered lobbyists for any entity. This prohibition does not apply to filings by such persons to fulfill their responsibilities as executive state officers.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

A provision of the bill is vetoed which prohibits certain executive state officers from filing as registered lobbyists except to fulfill their responsibilities as such officers. (See VETO MESSAGE)

HB 1652

C 176 L 86

By Representatives Sommers and Tilly; by request of Department of Retirement Systems

Revising provisions relating to public retirement disability benefits.

House Committee on Constitution, Elections & Ethics

Senate Committee on Ways & Means

BACKGROUND:

State law requires the Department of Licensing to permit a person suffering from a physical or mental disability or disease which may affect the person's ability to drive a motor vehicle to demonstrate that he or she is a capable driver. The Department may require such a person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority. The certificate shall be for the confidential use of the Director of Licensing, the Chief of the State Patrol, and such other public officials as designated by law. This information is exempt from public inspection and may not be offered as evidence in any court except when an appeal is taken from an order of the Director of Licensing.

A. PERS Duty Disability – Service Credit

Under present law regulating the Public Employees Retirement System (PERS), provisions exist for granting service credit for periods during which a duty disability retirement has been granted but no payment is made to the retiree due to offsets for worker's compensation or similar benefits. No such provisions exist regarding periods that a member is on temporary disability leave. Various methods have been developed by employer groups to ensure that their employees continue to receive service credit while on temporary disability leave covered by worker's compensation benefits, but not by PERS duty disability benefits. These methods produce inconsistent and widely varied results.

In addition, RCW 72.09.240 and .250 enacted in 1984, provide for a new type of temporary duty disability benefit to certain corrections officers.

B. PERS Non-Duty Disability – Right to Unexpended Contributions

When a person awarded a non-duty disability allowance under RCW 41.40.235 dies before the amount of disability payments equal the member's accumulated contributions, the Department of Retirement Systems must revert to the trust fund all unexpended contributions to the member's credit.

C. LEOFF I Disability Review – Reversal by the Department of Retirement Systems

Any member of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) may be retired for a disability by the local disability board upon approval of the director of the Department of Retirement Systems. The process begins when the LEOFF member files an application for disability retirement with his or her local board. That board approves or disapproves the request and its decision is forwarded to the director. The director may affirm the decision of the disability board or remand it to the local board for further proceedings. The order of remand may direct the local board to reverse its own decision. This process wastes time and resources by adding an unnecessary layer of processing.

D. LEOFF I Survivor Benefits –

LEOFF I Survivor Benefits must be paid to the legal guardian of the former member's children.

SUMMARY:

A certificate of condition provided to the Department of Licensing regarding a person's ability to drive a motor vehicle may be made available to the Director of the Department of Retirement Systems for use in determining eligibility for or continuance of disability benefits. It may also be offered and admitted as evidence in any administrative proceeding or court action concerning such benefits.

For a period not to exceed twelve (12) consecutive months, members of PERS who become disabled in the line of duty and who receive benefits under Title 51 RCW shall receive PERS service credit upon the payment of employer and employee contributions. The change is made effective for persons who first become disabled on or after March 27, 1984, the effective date for RCW 72.09.240. A member of PERS who suffered a temporary duty disability prior to March 27, 1984 due to an assault by a prison inmate may receive up to one year of service credit for the period of disability.

RCW 41.40.235 is amended to provide that if a recipient of a non-duty disability retirement allowance dies before receiving payments equal to the amount of the member's accumulated contributions, the balance will be paid to the member's designated beneficiary or estate.

RCW 41.26.120 and 41.26.125 are amended to provide that in addition to affirming or remanding the decision of the local LEOFF disability board granting a disability, the director may also reverse the decision under conditions provided by current law.

LEOFF survivor benefits may be paid to a trust established for the former member's children.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: April 1, 1986

SHB 1654

C 50 L 86

By Committee on Local Government (originally sponsored by Representatives Haugen and May)

Revising local government debt computations.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Statutory law limits the maximum dollar amount of general indebtedness that local governments can incur. The Constitution specifies limits that typically are double the statutory limits. These debt limits are a function of the value of taxable property located within the local government. Revenue bond indebtedness is not subject to these limits.

Generally, local governments having authority, which may be without approval by a vote of the voters, have two types of general indebtedness ceilings. First, a local government may incur general indebtedness up to a certain dollar amount without obtaining voter approval. (This type of indebtedness is referred to as "councilmanic" debt.) Second, a local government may incur general indebtedness up to a greater dollar amount, if approved by a three-fifths vote of the local voters.

Several areas of the state, including Grays Harbor County, have experienced reduced debt limitations, due to decreases in assessed valuation.

These reductions have actually reduced councilmanic general obligation debt limits of a port district below the level of indebtedness it had previously incurred.

SUMMARY:

If reductions in assessed valuation result in outstanding indebtedness of a taxing district exceeding the statutory indebtedness limits, the amount of this excess indebtedness shall not be included in the statutory limits. However, additional indebtedness, except refunding indebtedness, cannot be issued by the taxing district until its total outstanding indebtedness (including the "excess") is below its statutory indebtedness limits.

The House Local Government Committee and the Senate Governmental Operations Committee shall finish a joint study of local government debt limitations prior to December 1, 1986.

VOTES ON FINAL PASSAGE:

House	92	5
Senate	41	2

EFFECTIVE: June 11, 1986

HB 1656

C 135 L 86

By Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd; by request of Governor Gardner

Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The increased number of two wage earner and single parent families has resulted in demand for child care while parents work. According to U.S. government statistics, fifty percent of mothers with pre-school age children were working in the labor force in 1982.

During the 1984 session, the legislature enacted into law provisions establishing a self-supporting child care demonstration project for children of state employees. The center opened on January 6, 1986 has the capacity to accommodate 29 children. It operates from 6:45 a.m. to 6:15 p.m. Monday through Friday.

In July, 1985 the Governor's Task Force for Children's Day Care was formed. The recommendations of the task force, released December 31, 1985, covered five areas: (1) state policy on day care, (2) availability, (3) affordability, (4) quality and safety, and (5) implementation and coordination.

One recommendation addresses the need for state personnel practices which recognize child day care requirements by directing personnel boards to review their current practices with regard to this purpose.

SUMMARY:

The State Personnel Board is directed to study State Civil Service Law, and other appropriate statutes, in order to identify areas where state law and rules could be modified to recognize the importance of day care and to create a supportive atmosphere in which state employees may meet child care needs. The Board, where appropriate, is to adopt or amend rules in order to permit and encourage agency heads to create such a supportive atmosphere.

The Higher Education Personnel Board is similarly directed to make a study of the State Higher Education Personnel Law for the same purpose and to take appropriate action to create a supportive atmosphere.

The studies by both Boards are to include, but not be limited to, consideration of job-sharing and part-time employment, flex-time and other alternative work schedules, flex-workplace opportunities, leave policies, orientation and training regarding personnel practices relating to working parent concerns, and the potential for developing state information and referral services.

The Boards are to coordinate and submit a joint report of the results of their studies to the governor and to the legislature by October 30, 1986. The report is to include recommended statutory changes where appropriate.

VOTES ON FINAL PASSAGE:

House	88	9
Senate	30	17

EFFECTIVE: June 11, 1986

SHB 1669

C 121 L 86

By Committee on Transportation (originally sponsored by Representatives Fisch, Hargrove, Gallagher, Walk, Basich and Valle)

Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Board of Pilotage Commissioners is granted the power to investigate the performance of pilotage services which are subject to the State Pilotage Act. Exempted from the Act, and from the obligation to

employ state-licensed pilots, are all vessels under enrollment and all United States and Canadian vessels engaged exclusively in the coasting trade on the West Coast. The operators of some enrolled vessels, although not required by state law to do so, employ state-licensed pilots while operating in Puget Sound and Grays Harbor.

The Board has the authority to suspend, withhold, or revoke a pilot's license for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties while that pilot is on a vessel under state pilotage jurisdiction.

Federal law grants to the United States Coast Guard exclusive jurisdiction over the licensing of pilots on enrolled or coastwise vessels.

SUMMARY:

The issuance of a fine, in an amount not to exceed $5,000, is added to the disciplinary actions that the Board may take against state-licensed pilots.

When a state-licensed pilot performs services on a vessel not under state jurisdiction, the Board may investigate whether those services were performed in a professional manner consistent with sound maritime practices. If the Board finds that those services were performed in a negligent manner, the Board shall impose a fine of not more than $5,000 upon the offending pilot.

Moneys from any fines issued by the Board are to be deposited in the Pilotage Account in the General Fund.

A severability clause is provided.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	45	0

EFFECTIVE: June 11, 1986

SHB 1678

PARTIAL VETO

C 277 L 86

By Committee on Energy & Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor)

Regulating telephone solicitation.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Telephone solicitation by businesses, charities, and other not-for-profit groups has come under attack as an invasion of privacy.

A 1985 study conducted by the Utilities and Transportation Commission concluded in general that telephone solicitation can be regulated and the regulations will sustain constitutional challenge if they are "precisely drawn," and "not too intrusive." This generally means that business and charitable telephone solicitations can be regulated as to "time, place and manner," as opposed to a complete restriction.

SUMMARY:

Regulations are provided to govern telephone solicitations. Telephone solicitors calling residences must identify themselves and the purpose of their call within the first thirty seconds of the call. Parties called have the right to have their names removed from the caller's list. If they exercise this right, then the caller cannot call them again for at least a year. Exemptions to these regulations are provided.

The Attorney General is authorized to bring civil action against a violator of the regulations and to recover a civil penalty. A party called in violation of the regulations may also bring civil action against the violator and is entitled to recover damages and attorney's fees.

VOTES ON FINAL PASSAGE:

House	67	31
Senate	30	13

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The attorney general has the option rather than an express requirement to institute action for second and subsequent violations. (See VETO MESSAGE)

HB 1686

C 72 L 86

By Representatives Scott, Long, K. Wilson, Armstrong, Appelwick and P. King

Establishing quasi-community property in Washington state.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Washington is a "community property" state. That means, among other things, that during the existence of a marriage property acquired by either spouse is generally considered community property. At the death of one spouse, the other spouse is entitled to one-half of the community property. The other half of the community property and any separate property of the deceased may be disposed of by the will of the deceased spouse, or, if there is no will, then by the laws of intestacy. All of the community property (and at least one-half of the separate property) that is subject to intestate distribution will go to the surviving spouse. (More of the separate property will go to the spouse if no children, siblings or parents of the deceased are still alive.)

In non-community property states ("common law" states), a spouse is generally guaranteed a share of the earnings that his or her deceased spouse had accumulated.

If one spouse accumulates property in a common law state and then the couple moves to this state, Washington will treat the property as the separate property of the spouse who accumulated it. Upon the death of that spouse in Washington, the other spouse has no guarantee of any interest in the property. The common law state's guaranteed share rule does not apply in Washington. And, as separate property in Washington, all of the accumulated property is subject to the deceased spouse's will, or is subject to up to one-half distribution to others if the deceased had no will.

SUMMARY:

Under certain circumstances a surviving spouse is entitled to one-half of the deceased spouses "quasi-community" property. Quasi-community property is all non-community property, except out-of-state real property, that was acquired by a now deceased spouse when living out of state, was owned by that spouse residing in Washington at the time of death, and would have been community property if acquired while the spouse lived in Washington. The half of the quasi-community property not reserved for the surviving spouse is subject to disposition by the deceased spouse's will, or if there is no will, is treated as community property for purposes of intestate disposition.

The status of property as quasi-community property affects only the disposition of the property at the time of a spouse's death. However, under certain circumstance, at the time of death the surviving spouse may regain one-half of any property that was transferred to a third party by the deceased spouse before death. The transfer must have occurred within three years of the deceased spouse's death. It must have been without the surviving spouse's consent and for less than adequate consideration. It must have been an incomplete transfer that left the deceased spouse with some control over, or right in, the property. Finally, if the third party purchased the property for value, and in the good faith belief that it was the separate property of the deceased spouse, then the surviving spouse cannot regain one-half of the property.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 1687

PARTIAL VETO

C 299 L 86

By Committee on Higher Education (originally sponsored by Representatives Sommers, Prince and Silver)

Regulating private vocational schools.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

In 1979, the Legislature passed the Educational Services Registration Act to encourage fair business practices and high quality in private postsecondary education. Unless exempt, private vocational schools must register with the Commission for Vocational

Education (CVE), and degree-granting institutions must register with the Higher Education Coordinating Board (HEC Board). The schools must also pay statutory fees and file a bond or alternative security.

Covered schools must comply with educational standards and are prohibited from engaging in business practices which are false, deceptive, misleading or unfair. CVE and the HEC Board are required to investigate complaints and may order remedies after a hearing. Other enforcement mechanisms are also provided.

Under the sunset provisions, the Legislature scheduled the Educational Services Registration Act for termination on June 30, 1986. In their reviews of the Act, both the Legislative Budget Committee and the Office of Financial Management recommended continuation of the services of the Act, with several changes.

One of the Legislative Budget Committee recommendations was to separate the provisions for vocational schools and degree-granting institutions.

SUMMARY:

The Educational Services Registration Act is repealed and a new chapter regulating private vocational schools is adopted. CVE or its successor is required to administer the chapter.

The intent of the Legislature is to protect against unfair practices and to help ensure adequate educational quality. A license, rather than registration, is required of all private vocational schools, unless exempt. Degree-granting programs which are in compliance with HEC Board rules are made exempt. The exemptions are also revised to delete the accredited school exemption and to clarify the exemption for recreational education.

CVE shall adopt minimum standards which require schools to make disclosures to the agency regarding finances, follow a cancellation and refund policy, disclose information to students prior to enrollment, use enrollment contracts with specified information, and meet other standards found necessary by CVE. Language is provided to clarify that these standards must be met for a license to be granted. Information to be filed with the application and quality standards are to be determined by CVE, rather than placed in statute.

The list of unfair business practices is expanded. Specific practices, including misrepresenting that the school is an employment agency and representing that the school is approved by the state of Washington, are identified as unfair business practices.

CVE is directed to set fees at a level necessary to approximately recover the staffing costs of administering the chapter.

The security provisions are modified to require a minimum $5,000 bond or other security and to raise the maximum from $75,000 to $200,000. Security is to be determined on an incremental scale based on the amount of unearned prepaid tuition in the possession of the school. CVE's administrative powers are expanded to authorize settlement of claims against the security. The basis for a complaint by a student or enrollee is limited to unfair business practices. The maximum civil penalty is lowered from $2,000 to $100 for each violation. Other changes in the enforcement provisions are made.

Thirty-five thousand dollars is appropriated to administer the chapter. Subject to OFM approval, not more than $31,300 may be used to employ one additional FTE. Not more than $3,700 may be used for travel costs. The appropriation takes effect when the agency establishes fees approximately recovering staffing costs.

CVE is required to empanel an advisory committee, to consist of seven to eleven practitioners in proprietary education. Members shall serve without pay, but shall receive travel expenses.

The act takes effect July 1, 1986. Schools registered on that date shall be considered to be licensed until January 31, 1987.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	2	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: July 1, 1986

PARTIAL VETO SUMMARY:

The section providing for an advisory committee was deleted. (See VETO MESSAGE)

SHB 1688

C 136 L 86

By Committee on Higher Education (originally sponsored by Representatives Sommers and Prince)

Regulating private degree-granting institutions.

House Committee on Higher Education

SHB 1688

Senate Committee on Education

BACKGROUND:

In 1979, the Legislature passed the Educational Services Registration Act to encourage fair business practices and high quality in private postsecondary education. Unless exempt, private vocational schools must register with the Commission for Vocational Education (CVE), and degree-granting institutions must register with the Higher Education Coordinating Board (HEC Board). The schools must also pay statutory fees and file a bond or alternative security.

Covered schools must comply with educational standards and are prohibited from engaging in business practices which are false, deceptive, misleading or unfair. CVE and the HEC Board are required to investigate complaints and may order remedies after a hearing. Other enforcement mechanisms are also provided.

Under the sunset provisions, the Legislature scheduled the Act for termination on June 30, 1986. In their reviews of the Act, both the Legislative Budget Committee and the Office of Financial Management recommended continuation of the services of the Act, with several changes.

One of the Legislative Budget Committee recommendations was to separate the provisions for vocational schools and degree-granting institutions.

SUMMARY:

A new chapter regulating degree granting institutions is adopted. A degree granting institution, unless exempt, must obtain authorization from the HEC Board to operate and to grant or offer to grant any degree. Exemptions found in current law for public entities, accredited institutions, certain religious institutions and institutions offering only specified workshops and seminars are retained. As in current law, no person or organization (including those otherwise exempt) shall offer credentials, other than honorary, unless the student completes a program of study.

Information to be filed with the Board and quality standards are to be determined by the Board, rather than placed in statute. The HEC Board is required to adopt, by rule, minimum standards concerning granting of degrees, quality of education, fair business practices, financial stability and other necessary measures.

The Board is directed to set fees at a level necessary to approximately recover the staffing costs of administering the chapter.

The security requirement is made discretionary with the HEC Board. The Board's administrative powers are expanded to authorize settlement of administrative claims against the security. The civil penalty is lowered from $2,000 to $100 for each violation. Other changes in the enforcement provisions are made.

The act takes effect July 1, 1986. Institutions registered as of that date need not apply for authorization until the registration expires. The Act is added to the list of Board duties to be studied for possible delegation.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

EFFECTIVE: July 1, 1986

HB 1702

C 13 L 86

By Representatives Valle, Grimm, O'Brien, Dellwo and Addison; by request of Office of Financial Management

Appropriating funds for the developmentally disabled.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The Governor's supplemental budget recommended additional residential settings for developmentally disabled individuals. Due to timing difficulties in securing federal Housing and Urban Development (HUD) funds for the construction of some of the requested beds, separate legislation on this subject was recommended.

The Department of Social and Health Services assists potential service providers by giving information and advise. This assistance is sometimes misconstrued as a funding commitment.

SUMMARY:

An appropriation of $741,000 from the general fund-state and $215,000 from the general fund-federal is made for the establishment and operations of 42 additional community beds and related services for developmentally disabled individuals.

Rules shall be adopted by the secretary of the Department of Social and Health Services which assure fiscal commitments made for new residential services are not beyond the appropriated level.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	0

EFFECTIVE: March 8, 1986

HB 1703

C 1 L 86

By Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld; by request of Governor Gardner

Revising the implementation of comparable worth.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Section 702(5) of the 1985 biennial appropriations act provided $41.4 million for the settlement of all claims in the AFSCME v. State case and for the implementation of comparable worth pursuant to 28B.16.116 and 41.06.155. A tentative contract was signed on December 31, 1986, which provided a proposed settlement of the AFSCME v. State case which included an implementation plan for RCW 28B.16.116 and 41.06.155. The proposed settlement included some provisions which were not entirely consistent with the language of Section 702(5). (See bill report for ESSCR 126 also.)

SUMMARY:

The language of Section 702 of the 1985 biennial appropriations act is changed to conform with the terms of the proposed settlement of the AFSCME v. State case. Two comparable worth adjustments of $75 a year which were to begin on July 1, 1985 and July 1, 1986 are eliminated as of March 30, 1986 in line with the settlement which provides much larger increases for most of the same job classes as of April 1, 1986.

The appropriation in section 702(5) is amended to show that the $3 million which is saved by not implementing the increases from 702(1) is added to the original $41.4 million which was provided to settle the lawsuit.

Section 702(5) is also amended to allow the funds provided for the settlement to be released on April 1, 1986, rather than beginning January 1, 1987.

The Higher Education Personnel Board is directed to reduce the special pay adjustments granted to affected employees by the amount of the comparable worth increases granted on April 1, 1986 and thereafter. The Department of Personnel and the Higher Education Personnel Board are directed to report to the LEAP Committee regarding steps they take or propose to take to implement the comparable worth settlement, and disputes regarding implementation which come to their attention. LEAP in turn is to report to the legislature on implementation progress no later than June 1, 1986, December 1, 1986 and April 1, 1987.

VOTES ON FINAL PASSAGE:

House	55	44
Senate	29	19

EFFECTIVE: February 18, 1986

HB 1708

C 105 L 86

By Representatives Belcher, Brooks, Vekich, Dellwo, Unsoeld and P. King; by request of Governor Gardner

Modifying liquor control board membership terms.

House Committee on State Government

Senate Committee on Commerce & Labor

BACKGROUND:

The Washington State Liquor Control Board was created January 23, 1934, when the Legislature adopted the Washington State Liquor Control Act. The goals of the Board are to protect the welfare, health, peace, morals, and safety of the people of the state. Additional goals are (1) to control the private manufacture, distribution and sale of alcoholic beverages, (2) to manage the sales of alcoholic beverages in state retail outlets, and (3) to provide revenue to support the state, cities, counties, and universities.

The Liquor Control Board oversees all aspects of the Liquor Control Board as an agency. It is responsible

for setting agency policy and adopting regulations. Its regular duties include decisions on issuance of new licenses, disciplinary action against licensees, leasing of facilities, and review of new products. The Board consists of three members who hold nine-year, staggered terms of office and are appointed by the Governor. The member appointed for the term that expired on January 15, 1985 continues to serve on the Board and does so by virtue of the fact that a successor has not been appointed. The other two members of the Board hold terms of office that expire on January 15, 1988 and January 15, 1991, respectively.

SUMMARY:

The terms of members of the Liquor Control Board are changed from nine-year staggered terms to six-year staggered terms. The transition to six-year staggered terms is achieved by reducing the terms of future members of the board so that the terms of incumbents are not affected. The member who is appointed to the term that began on January 15, 1985 is to be appointed to a four-year term ending on January 15, 1989, the member who is appointed to the term that begins on January 15, 1988 is to be appointed to a five-year term ending on January 15, 1993, and the member who is appointed to the term that begins on January 15, 1991 is to be appointed to a six-year term, ending on January 15, 1997.

VOTES ON FINAL PASSAGE:

House	84	14	
Senate	30	16	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	33	10
House	84	8

EFFECTIVE: June 11, 1986

SHB 1709

PARTIAL VETO

C 266 L 86

By Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Peery, Brooks and Unsoeld; by request of Governor Gardner)

Consolidating agencies into the department of community development.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Office of Archaeology and Historic Preservation. The Office of Archaeology and Historic Preservation (OAHP), first established in 1977, is required to designate, preserve, protect, enhance and perpetuate sites, districts, buildings and objects which reflect the outstanding elements of the state's cultural heritage. The OAHP is administered by the State Historic Preservation Officer who is appointed by the Governor with the consent of the Senate. Among the duties of the OAHP are: The development and implementation of a Cultural Resources Management Plan and the development of guidelines and permit procedures regarding the alteration, removal or destruction of historic or prehistoric archaeological resources, sites, remains, or artifacts.

Department of Emergency Management. The Department of Emergency Management (DEM) has a broad mandate to: 1) ensure that the State is prepared to deal with disasters; 2) administer state and federal programs to provide relief to disaster victims; 3) provide adequate support for search and rescue operations; and 4) generally protect the lives and property of the people of the State. The DEM is headed by the Director of Emergency Management who is appointed by the Governor with the advice and consent of the Senate.

Among the duties of the DEM are: The development of a comprehensive, emergency management plan including identification of hazards, procedures for coordinating local and state resources, and assisting local governments in preparing local emergency management plans; planning and preparing communication systems that may be needed during an emergency; and coordinating state resources, services and facilities to assist political subdivisions in search and rescue operations.

State Fire Protection Board. The State Fire Protection Board (SFPB) is an independent Board created by the 1985 legislature to establish state-wide fire protection standards and policies and to consolidate the administration of those policies into a single board.

The SFPB has a number of substantive powers and duties. These include the following:

- All prior duties and powers of the State Fire Marshal including: 1) entering and investigating premises where a fire has

occurred; 2) inspecting public buildings for fire hazards and flammable materials; 3) causing a person's arrest if sufficient cause exists; 4) establishing rules, issuing licenses and enforcement activities relating to fireworks; 5) establishing fire protection standards relating to the licensing of boarding homes, maternity homes, nursing homes, hospitals, and transient housing; and 6) arranging for the standardization of state fire fighting equipment; and

- All powers and duties of the Commission for Vocational Education relating to fire service training. These duties include: 1) administering legislation relating to fire service training; 2) establishing and conducting fire service training, 3) constructing, equipping, maintaining and operating fire training service facilities, 4) acquiring real estate necessary to establish fire service training facilities; and 5) administering federal and state funds available for promoting fire service training.

In addition, the SFPB is required to: Adopt and implement a state fire protection master plan; monitor fire protection in the state and establish and promote state arson control programs; represent fire protection services in all state level fire protection planning; promote mutual aid and disaster planning for fire services in this state; and disseminate information within the state concerning fire damage and arson.

SUMMARY:

Office of Archaeology and Historic Preservation/Department of Emergency Management. Effective January 1, 1987, the OAHP and DEM are abolished and all of their employees, powers, functions, reports, papers, equipment and monies are transferred to the Department of Community Development (DCD).

The State Historic Preservation Officer is appointed by the Director of DCD rather than by the Governor. The Director of DCD takes on all former responsibilities of the Director of Emergency Management. The State Historic Preservation Officer and up to two professional staff persons within the emergency management program are exempt from civil service.

The Director of DCD is required to appoint a State Coordinator for Radioactive and Hazardous Waste Emergency Response Programs. This person is to assess current needs and capabilities regarding radioactive and hazardous waste emergency response programs and to carry out training programs relating to such emergency responses.

Numerous amendments are made in which references to the OAHP, the State Historic Preservation Officer, the DEM, and the Director of Emergency Management are deleted and the "Director of Community Development" or the "Department of Community Development" are added as appropriate.

STATE FIRE PROTECTION POLICY BOARD. - Transfer of duties to DCD. Upon the enactment (these sections have an emergency clause), all personnel, powers, functions, reports, papers, equipment and monies of the State Fire Marshal, the State Fire Protection Board, and the Commission for Vocational Education (relating to fire service training) are transferred to the DCD.

The Governor is required to appoint the State Fire Protection Policy Board (SFPPB). The Governor and the Director of Community Development are added as nonvoting, ex-officio members of the Board.

The Director of DCD is to appoint an assistant director to be known as the Director of Fire Protection. The Director of Fire Protection is to be appointed from a list of three names submitted by the SFPPB. The SFPPB is to (1) determine qualifications for the Assistant Director after consulting with the Director, and (2) submit one additional list if requested by the Director.

Duties of SFPPB. The SFPPB is given the authority to set policy on all fire protection matters except the statutory duties assigned to the Director of Community Development through the Director of Fire Protection. These duties include the following: Assuring the administration of fire service training; adopting standards for fire service training; developing and adopting a master plan for the construction, equipping, maintaining, operation and acquisition of real estate for fire service training and education facilities; adopting a State Fire Protection Master Plan; and representing local fire protection services to the Governor.

The SFPPB is to serve in an advisory capacity in regard to the statutory duties of the Director of Community Development which are to be carried out through the Director of Fire Protection (formerly duties of the State Fire Marshal), as well as for the purposes of developing a budget.

Duties of the Director of Fire Protection. The Director of DCD, through the Director of Fire Protection is required to: carry out all duties of the SFPPB which

were formerly held by the State Fire Marshal; prepare a biennial budget after consulting with the SFPPB; and administer the policies of the SFPPB within budgeted resources. The Director of Fire Protection may designate one or more deputies who are to have the same statutory authority as the Director of Fire Protection.

VOTES ON FINAL PASSAGE:

House	95	2	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	44	1	
House	94	0	

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Language scheduling the archeology and historic preservation functions of the Department of Community Development for sunset are vetoed. This avoids a double amendment in that House Bill 1333 repeals the same statutes.

The Governor, the Commissioner of Public Lands, the Insurance Commissioner, the Chairperson of the Commission for Vocational Education, and the Director of Fire Protection or their designees are removed from the State Fire Protection Policy Board.

The delayed effective date for sections 1 through 53 (January 1, 1987) is vetoed so that those sections will take effect 90 days following the end of the 1986 session. (See VETO MESSAGE)

HB 1711

C 51 L 86

By Representatives Ebersole, Rust, Unsoeld, Taylor, Walker, Betrozoff and Jacobsen

Establishing a coordinating committee on environmental education.

House Committee on Education

Senate Committee on Education

BACKGROUND:

In 1985, the Legislature directed the Superintendent of Public Instruction to appoint a task force to assess the needs and status of environmental education and to define environmental literacy. The task force determined that an environmentally literate person should understand: 1) the components of the environment and their interactions; 2) the value of the environment to our physical, economic and emotional well-being; and 3) how personal choice affects the environment. The task force also determined that an effective environmental education program requires that the private sector and state and local agencies concerned about the environment must cooperate. To assist in reaching these goals the task force recommended a formal cooperative effort between all interested groups.

SUMMARY:

A coordinating committee for environmental education is established composed of representatives from natural resources agencies, educators, environmental groups and the natural resources industry. The committee shall function under the Office of the Superintendent of Public Instruction. The committee shall encourage cooperation and develop recommendations to improve environmental education in the state.

The committee is required to submit its report to the Legislature by December 31, 1986 at which time the committee will terminate.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	0

EFFECTIVE: June 11, 1986

HB 1720

C 97 L 86

By Representatives Wang, Cole and Patrick

Modifying provisions on boilers and unfired pressure vessels.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Boilers and unfired pressure vessels must conform with regulations adopted by the Board of Boiler Rules. Certain boilers and vessels are exempted from these requirements. All other boilers and vessels must have a valid certificate of inspection to be operated. Operation of a boiler or vessel without a certificate or at a

pressure exceeding that specified in the certificate is a misdemeanor for each day of violation.

SUMMARY:

Tanks with no air cushion and no direct source of energy, operating at ambient temperature, are exempted from the requirements of the board of boiler rules.

Operation of a boiler or vessel without a valid inspection certificate is subject to a penalty of up to five hundred dollars for each day of violation. Penalties must be assessed according to rules adopted by the Department of Labor and Industries. A violator must be notified in writing by certified mail of the violation and of procedures to request a hearing. The request for a hearing will not stay the effect of the penalty.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	0

EFFECTIVE: June 11, 1986

HB 1721

C 56 L 86

By Representatives Wang, Chandler and R. King

Modifying provisions relating to payments into the supplemental pension fund.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Self-insured employers are required to pay ten thousand dollars to the supplemental pension fund if an injured worker of the self-insurer dies from an industrial injury and leaves no beneficiaries. This payment provision does not apply if the injured worker's death results from an occupational disease.

SUMMARY:

A self-insured employer is required to pay ten thousand dollars to the supplemental pension fund if the injured worker of the self-insurer dies as a result of either occupational disease or an industrial injury and leaves no beneficiaries.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	1

EFFECTIVE: June 11, 1986

HB 1725

C 137 L 86

By Representatives Ebersole, Valle, Cole, Holland, Peery, Betrozoff and P. King; by request of Superintendent of Public Instruction

Providing an alternative method for review of learning objectives program.

House Committee on Education

Senate Committee on Education

BACKGROUND:

School districts are required to develop student learning objectives in all courses of study. Learning objectives are to be reviewed every two years and specific attention given to improving the depth of course content as well as coordinating the sequence in which subject matter is presented. No provisions are made for modification and revision at other times.

SUMMARY:

Instead of reviewing learning objectives every two years, school districts may elect to provide for periodic review of all or part of their objectives in accordance with the time schedules the district uses for the periodic review of curriculum and text books. This schedule shall require review at least once every six years.

VOTES ON FINAL PASSAGE:

House	93	0	
Senate	45	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1726

C 230 L 86

By Committee on Judiciary (originally sponsored by Representatives Locke, Tilly, Armstrong, Barrett, Belcher, Dellwo, Wang, Silver, Unsoeld, P. King and Winsley; by request of Secretary of State)

Revising regulation of charitable solicitations.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Charities and professional fund raisers are subject to a variety of regulations. They generally must register with the Secretary of State and must refrain from certain solicitation practices and must make certain disclosures when soliciting.

The registration fee for charities and professional fund raisers is $15 for two years. A charity must include as part of its registration its name, purpose and "history" of solicitation. A professional fund raiser must register its name and "history" of solicitation. Furthermore, the attorney general or a prosecuting attorney may require a charity to submit a financial statement. Contracts between a charity and a fundraiser must be registered and a two dollar fee must be paid.

Certain groups are exempt from the registration requirements of the current law. An organization that solicits only among its own members need not register. Also exempt are groups soliciting less than $10,000 per year for a "named person," groups using unpaid volunteers and collecting less than $10,000 per year and groups soliciting less than a total of $10,000 per year from ten or fewer persons. Government and nonprofit hospital auxiliaries are also exempt. All of these groups are still subject to requests for financial statements from prosecutors or the attorney general. Churches, however, are exempt from registration and from financial statement requests.

Solicitations for charities are restricted in several ways. A solicitor must identify himself, the charity and its purpose. Upon request, the solicitor must also disclose to potential contributors what percent of contributions will go to charitable purposes and what percent to the cost of solicitation. Solicitators may not use false, deceptive or misleading methods. Violations of these prohibitions are also violations of the Consumer Protection Act.

Knowing violations of the charitable solicitation laws are misdemeanors.

SUMMARY:

Several changes are made with respect to registration of charities, regulation of solicitations and exemption of certain organizations.

The terminology of "professional fundraiser" is changed to "independent fundraiser." The registration fee for charities is changed to ten dollars per year and to fifty dollars per year for fundraisers. The fee for registering a contract between a charity and a fundraiser is increased to five dollars.

Charities must register additional information with the Secretary of State. Required information includes: the names of the three highest paid officers or employees of the charity; the tax status of the charity; the charity's audit practices; and more detailed financial information about the previous year's activity. Independent fundraisers must disclose: principal officers; a local contact person, the three highest paid officers or employees; audit practices, the prior year's solicitation activity, including gross receipts and amount distributed to charities; and any subcontracting fundraisers used.

Certain of the law's exemptions from registration are changed. Political and religious activities are completely removed from the definition of "charity" and therefore from the charitable solicitation law's regulation. The $10,000 per year and ten person or less exemptions are replaced with a single $5,000 or less per year exemption. The exemption for government is removed as is the exemption for hospital auxiliaries.

Regulation of actual solicitation is modified. A solicitor must indicate orally or in writing whether it is registered, and if so, that more information is available from the Secretary of State. Solicitors are specifically prohibited from misrepresenting the charity's tax status, the solicitor's paid or volunteer status, or the solicitor's employment relationship with the charity. In addition, a solicitor must disclose in writing information about the percent of contributions going to charitable purposes. If the solicitation is made by phone the disclosure must be made within five days after a contribution is received.

Knowing violations of the law are gross misdemeanors. Reckless or negligent violations are misdemeanors.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	34	14	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: January 1, 1987

HB 1743

C 48 L 86

By Representatives Nutley, Vander Stoep, Grimm, Hastings and Rust

Providing for use tax collection.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Businesses making sales within the state are responsible for collecting the retail sales tax. With respect to sales made from a point outside the state, retailers are not responsible for collecting the tax unless they are doing business within the state. For example, Sears is responsible for collecting the tax in Washington for its catalog sales even though the products are sold from Chicago. On the other hand, L. L. Bean is a catalog sales company without operations in Washington and is not responsible for collection of taxes.

The loss of revenue from untaxed out-of-state sales has been estimated as high as $50 million per year. As the rate of tax in the state has increased the incentive for avoidance has also increased and now presents a major drain on state revenues. There are current attempts to change federal laws and reverse court decisions which limit the states ability to tax these sales. If such attempts are successful, Washington would still be limited by state law.

Technically, the tax due is referred to as a use tax when the sale takes place outside the state.

Legislation passed in 1985 authorized retailers to incorporate the sales tax in the price of a product when advertising. This amendment should have included the use tax, but it did not.

SUMMARY:

The definition of businesses required to collect the state's use tax is expanded to incorporate any federal changes which would broaden the application of the state's law. This is done by referencing the limits of the U.S. Constitution and authorizing the Department of Revenue to construct rules according to these limits.

A technical correction is added to bring the use tax statute in compliance with 1985 changes in the sales tax. This addition permits the use tax to be included in the advertised price of a product.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	28	15

EFFECTIVE: July 1, 1986

EFFECTIVE: July 1, 1986

SHB 1754

PARTIAL VETO

C 116 L 86

By Committee on Trade & Economic Development (originally sponsored by Representatives Tanner, Sanders, Long, Peery and P. King)

Encouraging employers to hire recipients of unemployment insurance benefits and public assistance.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

Relatively few of the new jobs that are created are obtained by individuals drawing unemployment or public assistance. Matching the occupational skills requires for new jobs with the skills possessed by public assistance recipients is often a difficult task. Unemployment rates in distressed areas continue in the double-digits, as employment in the areas' base industries has not increased much since the recent recession. A distressed area is defined as a county which has an unemployment rate twenty percent above the state-wide average.

Two sales tax deferral programs were established in the 1985 session: one for out-of-state manufacturers and one for distressed areas. Under the out-of-state deferral program there are no restrictions on the amount of investment which could qualify for the deferral. The distressed areas deferral program requires

that one job be created per each $200,000 of investment up to a maximum of $20 million per project. In addition, each $20 million of deferral can be granted in any biennium.

Each program provided a three year deferral of sales taxes for a manufacturer and a five year payback period. As of January 1986, $36.4 million of sales taxes had been approved for deferral on the out-of-state program. Under the distressed areas program, $2.5 million of sales taxes had been approved for deferral.

SUMMARY:

The Department of Employment Security is encouraged to utilize "first source contracts" with employers looking to locate or expand in the state. A first source contract is defined as an agreement by an employer to screen applicants from a pool of qualified individuals submitted by the Department of Employment Security and to consider hiring from the pool.

The Department may provide specific financial incentives to employers who sign first source contracts including, but not limited to, providing an employer with on-the-job training and payment (up to fifty percent) of trainee's wages during the first ten weeks of employment.

An employer and a prospective employee to be hired from the pool may agree to a 30-day training period, at the end of which the employer may make a decision to hire the individual. The individual may continue to draw unemployment or public assistance during the training period.

The out-of-state sales tax deferral program is extended for two years. A lid of one job per $300,000 of investment is imposed.

The lids on the distressed areas sales tax deferral program of $20 million per investment and $20 million of total sales tax deferral per biennium are removed. In addition, a list of one job per $300,000 of investment is imposed and the sales tax portion on labor in the investment project is exempted.

A B & O tax credit is allowed for manufacturers in distressed areas which create employment at least 15 percent above the prior year. A manufacturer may apply to the Department of Revenue to receive a $1,000 B & O tax credit for each new job created. Application must be made before the actual hiring takes place. A maximum of $300,000 is allowed per business. The program is limited to no more than $15 million of credits per biennium. The tax credits will expire on July 1, 1988. A business in a distressed area may qualify for both the distressed area deferral program and the B & O tax credit. The tax credit will take effect on April 1, 1986.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	32	15	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	39	7
House	72	22

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The lid of one job per 300,000 of investment on the out-of-state deferral program was vetoed. (See VETO MESSAGE)

SHB 1762

C 122 L 86

By Committee on Transportation (originally sponsored by Representatives Hargrove, Smitherman, McMullen, Zellinsky, R. King, Valle, Fisch and Lundquist)

Revising vessel pilot regulation.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

State law creates the Board of Pilotage Commissioners and empowers that Board to license pilots to provide pilotage services on certain vessels in Puget Sound and Grays Harbor. Prior to licensing a pilotage applicant, the Board requires annual physicals and the payment of an annual license fee. To be considered for licensing as a new state pilot, an applicant must present documentation to the Board that he/she meets certain experience qualifications. No specific statutory reference prescribes penalties for the falsification by applicants of their maritime experience.

Upon refusing a vessel assignment for a cause enumerated in a statute, the pilot is required to provide written explanation to the Board. There is no time requirement for submission of the explanation.

Funding for the Board is provided through annual state pilotage license fees. The 1985-87 appropriation for the Board is $80,000. A majority of these funds are used for legal costs of the Board, especially when the Board takes disciplinary action against a pilot or when the Board investigates a pilotage accident. This limited budget may affect the Board's ability to carry out its statutory assigned duties regarding pilotage law enforcement.

SUMMARY:

The Board is directed to prescribe reporting requirements and review procedures to assure the accuracy of license and service claims, and records of familiarization trips of pilot candidates. The willful misrepresentation of such information by a pilot candidate is to result in disqualification of the candidate.

The written explanation by a pilot for refusing to take a vessel assignment is required to be submitted to the Board within 48 hours.

The annual license fee that the Board of Pilotage Commissioners may assess state licensed pilots is increased from $1,000 to $1,500.

Twenty thousand dollars is appropriated to the Board of Pilotage Commissioners for the biennium ending June 30, 1987. Use of the funds is limited to paying costs of investigating vessel incidents or accidents and legal fees of the Board.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1763

C 123 L 86

By Representatives Walk, Schmidt and Gallagher; by request of State Patrol

Revising vehicle inspection law.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Washington State Patrol Vehicle Inspection Program was subject to a Sunset Review by the Legislative Budget Committee in 1985, and is scheduled to terminate on June 30, 1986.

The program, enacted in 1937, calls for periodic safety inspections of all motor vehicles by the State Patrol. Since 1951, however, the program has not been funded by the Legislature, nor carried out by the Patrol. Political subdivisions are also empowered to conduct a vehicle equipment inspection program, which must be in conformance with rules and regulations adopted by the Chief of the Washington State Patrol.

Although a program to periodically inspect all vehicles has not been in place since the early 1950's, the State Patrol has used its authority to conduct inspections of private, common and contract carrier trucks, and annual inspection of public school buses.

The findings of the Legislative Budget Committee Sunset Review were that references to periodic inspection of all motor vehicles should be deleted, and the Patrol's authority to continue its inspection of trucks and school busses be clarified.

SUMMARY:

The requirement that all passenger vehicles be inspected by the State Patrol on a periodic basis is removed, as is the authority for political subdivisions to conduct periodic vehicle equipment inspections.

The Patrol's authority to continue its present inspection program is clarified to include private, common and contract carriers, school buses, and private carrier buses. The Patrol may designate where school bus and private carrier bus inspections will occur. Commercial vehicle inspections must take place in conjunction with weight enforcement at roadside locations and scale houses.

The Sunset Act provisions terminating the vehicle inspection program are repealed. Also repealed is the authority for the Patrol to acquire land and erect buildings for inspection stations.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1776

C 68 L 86

By Representatives Scott, Ballard, Brooks, Zellinsky, R. King, J. King, Day, Leonard, Tanner, Lux, Lewis, Braddock, Dobbs, Winsley, Brekke, West, Kremen and Sayan

Establishing provisions relating to medical program directors.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The state emergency medical service system provides for the certification of two levels of emergency medical personnel: The basic life support personnel such as "emergency medical technicians" who respond to accident victims and treat and transport individuals to the hospital; and the advanced life support paramedics, such as mobile intensive care paramedics, intravenous therapy technicians, and airway management technicians.

Medical program directors are licensed physicians who are appointed by the Department of Social and Health Services for each county to direct emergency medical training and supervision of both levels of emergency medical services personnel. They are responsible for the overall development, implementation, and supervision of medical control for the out-of-hospital emergency medical services system, providing general program direction, review, evaluation and correction.

Medical program directors of paramedics are immune from legal liability in performing duties in good faith involving grievous injuries to persons in imminent danger of loss of life, as well as for their administrative responsibilities, except for gross negligence or wilful or wanton conduct. The attorney general defends and holds the directors harmless for the good faith performance of their administrative duties.

Insurance companies are refusing to provide liability coverage to physicians for their medical program director responsibilities.

SUMMARY:

The duties of the medical program director of "emergency medical technicians" are specified and made identical to the duties of directors of "paramedics." The Department of Social and Health Services is authorized to evaluate, certify and prescribe duties of medical program directors of "paramedics." The Department is authorized to delegate the duties of a medical program director to another physician for 30 days in the absence of a certified director.

Medical program directors of "emergency medical technicians" are provided immunity from legal liability to the same extent as medical program directors of paramedics. The program directors are immune from legal liability for acts or omissions of their personnel done in good faith while rendering emergency medical services to a person who has suffered illness or bodily injury. The Department defends and holds harmless certified medical directors for the good faith performance of their duties.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	1

EFFECTIVE: March 12, 1986

SHB 1783

C 57 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, Wang, Chandler, Patrick, Lux and Cole; by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to self-insured employers.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

All self-insured employers are required to secure their workers' compensation obligations by filing a security bond or other deposit with the Department of Labor and Industries. Under department rule, the deposit that will be required by 1987 will be the amount of the self-insurer's claims liabilities as estimated by the department. The law does not authorize the department to distinguish between the deposit that is required of a private employer and a public agency employer.

If a self-insured employer defaults on the payment of benefits to injured workers, the director of the Department of Labor and Industries is authorized to make payments to injured workers out of the self-insurer's security deposit, and if necessary, out of the

state industrial insurance fund. The employer is liable for repaying the department to the extent that funds beyond the amount of the security deposit are used. To enforce liability, the department has subrogation rights against the defaulting employer.

If the defaulting employer files a petition in bankruptcy, a question may arise whether the department may assert that the funds expended for the self-insurer's injured workers are a tax claim, and that this claim is entitled to priority status in the bankruptcy proceedings. Although the priority of claims against the bankrupt petitioner are a matter of federal law, the federal bankruptcy courts have recognized tax claim priority status for state claims under certain state statutory schemes. The federal courts have evaluated whether state law makes assessments against employers to fund workers' compensation and whether state law establishes a lien, rather than subrogation rights, against the defaulting employer for payments made by the state.

SUMMARY:

The Department of Labor and Industries is authorized to adopt separate rules establishing the security deposit requirements for units of local government. The rules must take into consideration the ability of the agency to meet its obligations, including source of funds, permanency, and right of default.

The statutory reference is deleted that provides subrogation rights to the department in the case of a self-insured employer's default in paying workers' compensation benefits. The employer's liability for any funds expended by the department beyond the amount received from the employer's security deposit is enforced by a lien. The state's lien is prior to all other liens and on a parity with prior tax liens. The department may also issue an assessment for the amount necessary to fulfill the defaulting employer's obligations.

A self-insurers' insolvency trust is established to provide for the unsecured benefits paid to injured workers of defaulting self-insured employers. The trust will be funded by post-insolvency assessments against all self-insurers in proportion to their claim costs after the defaulting self-insured employer's security deposit has been exhausted. The department must adopt rules regarding the formation and operation of the trust. Any self-insurer who fails to pay an insolvency assessment may be subject to decertification.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	1

EFFECTIVE: June 11, 1986

HB 1795

C 138 L 86

By Representatives Belcher, Long, Thomas, Wineberry, Armstrong and Brough

Requiring additional information in child support orders.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Under current law, certain information is required to be included in every court order or decree establishing a child support obligation. A support order must include notice of the mandatory wage assignment law, and the social security number of the person obligated to make the support payments. Required inclusion of other information may help make support orders more equitable in the first instance, and easier to enforce, or modify under appropriate circumstances.

SUMMARY:

Additional information is required to be included in court orders or decrees establishing a child support obligation. The order is required to state: (1) the income of the parties or the anticipated income upon which the award is based; (2) the support award as a fixed dollar sum or the formula by which calculation of support is made; (3) the specific day or date on which the support payment is due; and (4) which party or parties has custody of each child for whom an order of support is entered. Failure to include the required information in a support order does not affect the validity of the support order.

VOTES ON FINAL PASSAGE:

House	91	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1802

C 106 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, R. King, Lux, Fisch, Fisher, Cole, Winsley, Sutherland, Holland, Jacobsen and Todd; by request of Department of Employment Security)

Deleting provisions on marginal labor force attachment.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The experience rating tax system established in 1984 for unemployment insurance included provisions for identifying workers who had "marginal labor force attachment (MLFA)." These workers are identified by examining their wage history over the previous two years. If the worker's wages in two sets of comparable quarters are both less than the worker's benefit amount, the worker is classified as MLFA. These workers must meet special requirements to retain their eligibility for benefits. The law also provides that the experience rating accounts of employers who have MLFA workers will not be charged for part of the benefits paid to these workers.

In 1985, provisions were added that allow the commissioner of the Employment Security Department to suspend the MLFA work search requirements when conditions of economic distress are found.

A recently concluded administrative cost study by the department indicates that the difficult technical decisions required under the MLFA provisions will incur additional administrative expenses of approximately $675,000 annually, while savings to the trust fund in the first six months of the program have been approximately $22,000.

SUMMARY:

The eligibility requirements for a worker identified as marginally attached to the labor force are deleted. Also deleted are the exemptions from MLFA status for illness, disability or reentrance to the labor force. (The provisions that remain will allow the Employment Security Department to identify MLFA claimants for the purpose of not charging the employer's experience rating account for a portion of the benefits paid to MLFA employees.)

A Joint Select Committee on Unemployment Insurance and Compensation is established to study the causes of long-term, seasonal and chronic unemployment. The department will conduct a demonstration project for identifying and referring seasonal employees. The committee will report its findings and recommendations to the 1987 Legislature.

Any part of the act found to be in conflict with federal law is declared inoperative. If any provision is held invalid, the remainder of the act is not affected.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	47	1

EFFECTIVE: March 21, 1986

SHB 1804

C 262 L 86

By Committee on Local Government (originally sponsored by Representative Vander Stoep)

Modifying provisions regulating port commission formation.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Prior to 1971 port districts could be created countywide, or in an area less than countywide. Legislation was enacted in 1971 which only permitted port districts to be created countywide.

Commissioners of port districts located in counties, other than AA counties, are nominated at primary elections from commissioner districts. A commissioner from such a port district must be a qualified voter of the commissioner district from which he or she is elected to be eligible to hold office.

SUMMARY:

From the effective date of the act, until December 31, 1988, a port district can be created that is less than countywide if the area to be included in the district has an assessed valuation of $180 million or more and it is not located in a class A county. The ballot proposition to authorize such a port district must be approved by a simple majority vote where the total

vote equals at least 1/3 of the vote cast in the area at the last general election.

Any registered voter of a port district is eligible to file a declaration of candidacy for the office of port commissioner if no valid declaration of candidacy is filed for the office.

VOTES ON FINAL PASSAGE:

House	54	40	
Senate	45	0	(Senate amended)
Senate	42	4	(Senate receded)

EFFECTIVE: June 11, 1986

SHB 1815

C 96 L 86

By Committee on Transportation (originally sponsored by Representatives Ebersole, Crane, Walk, Patrick, Lundquist, Prince, Brough, Wang, Hankins, Isaacson, S. Wilson, Taylor, Tilly and Sanders)

Permitting vehicles operated by nursing homes to get disabled parking privileges.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Persons with special parking privileges are entitled to park, for unlimited periods of time and free of charge, in spaces reserved for the disabled, public zones and metered parking areas.

Special parking privileges are extended to individuals with specific disabilities and to public transportation authorities regularly transporting disabled persons. The Department of Licensing is responsible for administering the license provisions.

A special card, to be displayed in the front window of the vehicle, is issued free of charge to a public transportation authority. The transit authority is responsible for ensuring the card is properly used, including payment of any fines that may be imposed for improper use.

Special parking privileges are issued to individuals and public transportation authorities but not to other facilities or organizations. Nursing homes, senior citizen centers, and non-profit community action agencies often provide transportation for their residents or participants who may have trouble ambulating long distances.

SUMMARY:

The special parking privilege is extended to licensed nursing homes, non-profit community action agencies, and senior citizen centers. These entities are responsible for proper card usage, including payment of any fines incurred.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: June 11, 1986

HB 1825

C 308 L 86

By Representatives Vekich, Basich, McMullen, Peery and May; by request of Department of Community Development

Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The hotel/motel tax was first authorized in 1967 to help finance the construction of the Kingdome. Since the initial enactment, the application of the tax has been expanded six times. Instead of Class AA counties, any county or any city is authorized to impose the tax. Instead of being limited to the financing and operation of a stadium, the tax may be used for convention centers, performing arts centers, visual arts centers or tourist promotion activities. The 2% tax is not an additional tax to the consumer, but is deducted from the state's 6.5% sales tax.

Currently, there are 94 cities and 25 counties which levy the tax. In calendar year 1984, the total amount distributed was $6.4 million.

Industrial revenue bonds may not be used for parking facilities.

HB 1825

SUMMARY:

The legislation authorizes the use of the hotel/motel tax to develop strategies to expand tourism in distressed areas. A distressed area is defined as a county with an unemployment rate 20% above the statewide average for the previous three years and certain low-income urban areas.

Any county and any city bordering upon Grays Harbor may use the proceeds of the hotel/motel tax for a movable tall ships tourism project. However, these funds may not be used for payment on debt incurred prior to the effective date of this 1986 Act.

Industrial development bonds may be used to pay for include parking facilities associated with industrial development facilities or with historic properties.

VOTES ON FINAL PASSAGE:

House	65	33	
Senate	36	12	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	39	6	
House	67	31	

EFFECTIVE: June 11, 1986

SHB 1827

C 229 L 86

By Committee on Ways & Means (originally sponsored by Representatives Valle, Appelwick, Hastings and Lundquist)

Apportioning the value of vessels for property tax purposes.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Certain ships and vessels which are "within this state" are subject to property tax. The Department of Revenue has issued rules specifying under what circumstances such ships and vessels are taxed.

Prior to 1986, the Department rules stated that ships and vessels having out-of-state owners, and not permanently moored in Washington were exempt from property tax. Ships and vessels owned by persons domiciled in Washington and engaged in interstate or foreign commerce were exempt from all property taxes except the state property tax.

For 1986 and thereafter, the Department changed the rules such that ships and vessels engaged exclusively in foreign commerce are exempt from property tax if the length of stay is reasonable. Vessels engaged exclusively in interstate commerce or in fishing or seafood processing on the high seas are subject to property tax if the length of stay in Washington exceeds sixty days. The tax is apportioned based on the total number of days the vessel is within Washington. Vessels in the state exclusively for repair are not subject to property tax.

SUMMARY:

Ships and vessels listed in the federal register of historic places are exempt from property tax.

Vessels engaged in interstate or foreign commerce, fishing and seafood processing on the high seas are exempt from property tax if the length of stay is less than 120 days. If the length of stay exceeds 120 days, the tax is apportioned based on the total number of days within Washington.

Days during which a vessel is engaged in one of the following are not considered as days within the state: 1) undergoing repair; 2) taking on cargo or passengers; or 3) serving as a tug for a vessel under 1 or 2 above.

Days during which an "apportionable" vessel leaves the state temporarily while traveling between points in the state shall count as days in the state.

VOTES ON FINAL PASSAGE:

House	91	1	
Senate	44	3	(Senate amended)
Senate	44	0	(Senate receded)

EFFECTIVE: June 11, 1986

SHB 1829

C 139 L 86

By Committee on Ways & Means (originally sponsored by Representatives Ebersole, Betrozoff, Taylor, Rayburn, Appelwick, Walker, Cole, Holland, Valle, Winsley, Long, May and Schoon; by request of Superintendent of Public Instruction)

Requiring a study of categorical educational services.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

Since the 1960's, an increasing number of categorical programs for special needs students have developed at both the state and federal level. As the number of programs has increased, questions have been raised as to potential overlap between the programs, the effect of changing demographics on categorical program populations and whether the service delivery models currently in use are the most effective and efficient.

SUMMARY:

The Superintendent of Public Instruction shall study methods to provide improved instruction to students needing categorical educational services and must develop recommendations that enhance students' opportunities for success. The study and recommendations will include at least the following topics: (1) future service demand in light of changing student demographics and declining federal resources; (2) the adequacy of the state's data and information systems as they relate to class size and students requiring categorical educational services; (3) the relationship between the current system for the delivery of categorical educational services and the ability of the regular classroom to meet student diversity; (4) the relationship between the ratio of certificated staff to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made; (5) the relationship between the ratio of adults to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made; (6) the interrelationship between various state and federal programs designed to serve students requiring categorical educational services; (7) the relationship between the methods of delivering categorical educational services and research results about educational success; (8) the impact of delivering categorical educational services in the regular classroom setting to include: (a) class size considerations, (b) teaching methods, and (c) coordination of categorical program services; (9) the interaction between and effects upon educators, support staff, and parents of students needing categorical educational services in various delivery models; and (10) other topics designated by the advisory committee.

In conducting this study, the Superintendent of Public Instruction must include data regarding the categorical education services and students engaged in at least the following programs: Federal Chapter 1 disadvantaged and Chapter 1 migrant, bilingual, the state remediation assistance program, and the federal and state special education programs.

An advisory committee consisting of legislators and representatives of education organizations concerned with the delivery of categorical instructional services and regular classroom instruction shall be appointed. There shall be four legislative members on the advisory committee. The Speaker of the House of Representatives shall appoint one member from each caucus. The President of the Senate shall appoint one member from each caucus. Representatives from educational organizations shall be a appointed by the Superintendent of Public Instruction. The advisory committee shall review the resulting recommendations of the study and present its position on each to the Superintendent of Public Instruction.

The study shall be completed and the results and recommendations shall be reported to the legislature no later than January 5, 1987. This section shall expire January 30, 1987.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	41	4	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	41	2
House	94	0

EFFECTIVE: June 11, 1986

SHB 1831

C 73 L 86

By Committee on Education (originally sponsored by Representatives Wang, Taylor, Ebersole, Long, Holland and Betrozoff; by request of Superintendent of Public Instruction)

Studying models for evaluating teachers.

House Committee on Education

Senate Committee on Education

SHB 1831

BACKGROUND:

Law enacted in 1985 called for the Superintendent of Public Instruction to develop minimum standards for teacher evaluation and to adopt minimum standards for field testing by July 1, 1986. No later than July 1, 1988, the Superintendent of Public Instruction was to select from one to five models which could be adopted by school districts.

As the Superintendent of Public Instruction (SPI) began to work toward implementation of the 1985 Law, it became clear that there was some confusion surrounding 1) SPI's authority; 2) the time period in which to field test the evaluation standards; and 3) the time line for initial adoption of the standards to be field tested. Also the lack of a mechanism to report to the Legislature on the results of the development process was a concern.

SUMMARY:

Clarifications are made to show that the Superintendent of Public Instruction is to develop minimum procedural standards for teacher evaluation. Proposed minimum procedural standards for field-testing will be identified no later than July 1, 1986. Field-testing will occur during the 1987-88 school year. In consultation with school directors, administrators, parents, students, business community and teachers, the Superintendent of Public Instruction will consider a variety of evaluations programs which may include peer review, parent and student input, the use of instructional assistance teams and outside evaluators.

No later than September 1, 1988, the Superintendent of Public Instruction must adopt state procedural standards and select one to five evaluation programs which may be used by local districts. The local school districts will establish and implement an evaluation program no later than September 1, 1989. The Superintendent of Public Instruction will report to the Legislature on the progress in development and field testing of the model evaluation program on January 1, 1987 and January 1, 1988.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	38	7

EFFECTIVE: June 11, 1986

SHB 1838

C 228 L 86

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Barnes and Fisher)

Changing provisions relating to campaign financing disclosure.

House Committee on Constitution, Elections & Ethics

Senate Committee on Governmental Operations

BACKGROUND:

Candidates and political committees are required to file reports with the Public Disclosure Commission regarding contributions received and expenditures made. Among the information required to be reported are funds received from a political committee not domiciled in this state and not otherwise required to report. The funds must be forfeited to the state unless the nonreporting committee or the recipient of the funds has filed a special report with the Commission within 10 days.

The public disclosure laws prohibit a person from making, or a candidate or political committee from accepting from any one person, contributions in the aggregate exceeding $5,000 within 21 days of a general election.

SUMMARY:

The limitation established by law for contributions given or received within 21 days of a general election is altered. During that period a person may not make, nor may a candidate or political committee accept from any one person, contributions exceeding in the aggregate $50,000 for any campaign for state-wide office. Neither this limitation nor the $5,000 limitation regarding campaigns for other offices applies to contributions made by, or accepted from, a major political party.

For the purposes of the public disclosure laws, the money value of contributions of postage shall be the face value of the postage.

Among the information required to be reported by a candidate or political committee are funds received from a political committee which is neither domiciled in this state nor otherwise required to report. The funds received from such a committee must be forfeited unless the committee or the recipient of the

funds files a special report with the Public Disclosure Commission within 10 days.

A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall, in addition to reporting the contribution as required by law, notify the candidate or committee for whose benefit the contribution is earmarked. The notice shall be given within 2 working days. A candidate or political committee for whose benefit a contribution is earmarked shall report the contribution in a separate category entitled "Earmarked Contributions" in the disclosure reports required by law.

VOTES ON FINAL PASSAGE:

House	95	1	
Senate	36	10	(Senate amended)
House	84	11	(House concurred)

EFFECTIVE: April 3, 1986

SHB 1839

C 227 L 86

By Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, K. Wilson, Basich, McMullen, J. Williams, Peery, Fisch, S. Wilson, Kremen and P. King)

Providing for a county representative on the board of natural resources.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

The Department of Natural Resources was created in 1957 when the Legislature combined functions of the Division of Forestry, the State Board of Land Commissioners, the State Forest Board, the Director of Conservation and Development, and the Sustained Yield Forest Committees. The Department consists of the Board of Natural Resources, an elected Commissioner of Public Lands, and an agency supervisor appointed by the Commissioner.

The Board of Natural Resources received legislative direction to perform four land management tasks: (1) establish policies to ensure that the acquisition, management and disposition of department managed lands and resources are done on the basis of sound management practices to achieve the land's maximum effective development; (2) perform the appraisal, appeal, approval and hearing functions transferred to it; (3) serve as the Board of Appraisers; and (4) serve as the Harbor Lines Commission.

The Board consists of five members: the Governor or the Governor's designee, the Commissioner of Public Lands, the Superintendent of Public Instruction, the Dean of Forestry at the University of Washington, and the Dean of Agriculture at Washington State University.

The Department manages three principal classes of land: trust lands granted when Washington entered the Union, aquatic lands, and lands either purchased outright or for which the county has transferred title to the state. (Counties acquire these lands through tax delinquency. These lands, for which title was transferred from the county, are termed State Forest Board lands, and represent 622,450 acres. Total state upland acreage totals 2,893,040 acres.

SUMMARY:

The Board of Natural Resources' membership is expanded from five to six by adding an elected county official to represent counties that contain State Forest Board lands. Begins on July 1, 1986. The elected county officials are to serve a term of four years, as long as they retain their elected position.

The elected county official will be selected at a meeting of the Washington State Association of Counties by those county legislative authorities which represent counties with Forest Board lands. Each participating county will have one vote. The minimum number of votes necessary for the Board of Natural Resources to take action is raised from three to four.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 1846

C 226 L 86

By Committee on Ways & Means (originally sponsored by Representatives Sutherland, Crane, May, Appelwick, C. Smith, Fisch, Gallagher, Ebersole, Long, Hastings, B. Williams, Holland, Tanner, Lux,

Thomas, Braddock, Fisher, K. Wilson, L. Smith, Schmidt and Peery)

Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The business or operation of any warehouse other than a cold storage warehouse is classified as an "other public service business" and is subject to the public utility tax rate of 1.926 percent. Warehouses pay the public utility tax even though they are no longer subject to regulation by the Utilities and Transportation Commission.

SUMMARY:

Warehousing activities are removed from the public utility tax classification and are subject to the business and occupation tax.

VOTES ON FINAL PASSAGE:

House	97	1
Senate	46	0

EFFECTIVE: July 1, 1986

HB 1851

C 231 L 86

By Representatives Bristow, Appelwick, B. Williams, J. King, Ebersole, Sutherland, Tilly, L. Smith, Silver, Ballard and Fuhrman

Modifying the taxation of ingredients, components, and chemicals used in processing.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The basic philosophy of the sales and use tax is such that a component of an article for sale is not subject to the tax. However, an ingredient or component of an article which is not sold is subject to the tax.

The manufacturing of ferrosilicon for the ultimate production of magnesium represents a situation where components may be subject to the sales and use tax. Ferrosilicon is a product used to manufacture magnesium. Thus, a magnesium manufacturer purchasing ferrosilicon would not pay the tax. However, if the company manufactures the ferrosilicon it uses in the making of magnesium, then the tax is due on the components of the ferrosilicon. This is because they are components of a product which is not sold but instead used in the production of another product, i.e., magnesium.

SUMMARY:

Ingredients used for the production of ferrosilicon to be used in the manufacture of magnesium are exempted from the sales and use tax.

For food processing businesses, if the sales or use tax has been paid at least once, the sales and use tax does not apply to subsequent sales and leases of the same equipment.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	40	2	
House	94	0	

EFFECTIVE: April 3, 1986

SHB 1865

C 156 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Cole and Fisher)

Revising provisions on electricians and electrician installations.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Electricians and electrical installations are regulated by statute to ensure public safety. Electricians or administrators of electrical contractor firms must be licensed. Certificates of competency are required for all persons

engaging in the electrical construction trade. Authority is granted to the Department of Labor and Industries to inspect electrical installations. The Department is responsible for administering and enforcing these provisions, with advice from the electrical advisory board. The board of electrical examiners is responsible for establishing and administering licensing examinations. Violation of licensing or other requirements is subject to penalty of not less than fifty dollars.

SUMMARY:

The definition of "electrical construction trade" is amended to include the installation and maintenance of remote control or power limited communication circuits or systems.

Materials and equipment used in installations must conform to the standards of testing laboratories accredited by the Department of Labor and Industries.

State electrical inspectors must have not less than four years of journeyman installation experience, or have two years of training with four years of practical experience, or have four years of training with two years of practical experience.

Electrical contractor licenses are authorized for a two year period. The amount of the bond required with a license application is increased from three thousand dollars to four thousand dollars. Beginning in July, 1987, an administrator under an electrical contractor's license must be a full-time supervisory employee of the firm. The department, with the consent of the board of electrical examiners, is authorized to contract for development, administration and scoring of licensing examinations.

An injured party must bring suit on the contractor's surety bond in superior court and must join both the surety and the contractor. The surety is not liable for penalties assessed against the contractor.

Persons violating the electrical contractor licensing provisions are subject to a penalty of $50 to $10,000. The department must adopt rules establishing a penalty schedule. Procedures are established for notifying violators of specific violations and penalties assessed. Assessments are subject to review by the board of electrical examiners. An appeal will stay the effect of the assessment. A notice of appeal must be accompanied by two hundred dollars, to be returned to the assessed party if the board does not sustain the department's decision. The hearing and review procedures must be conducted in accordance with the state administrative procedures act. Provisions are deleted that make a licensing violation a misdemeanor punishable by fines and imprisonment.

Any person or entity who engages in the electrical construction trade without a certificate of competency or training certificate may be assessed a penalty of $50 to $500. Procedures are established for assessing penalties and allowing appeals.

An exemption from the certificate of competency requirement is granted for installation and maintenance of telephone and telegraph wires and equipment.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	39	0

EFFECTIVE: June 11, 1986

SHB 1866

C 66 L 86

By Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May)

Revising the funding structure of the Washington state ferry system.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Appropriations that support expenditures of the Ferry System capital program, including debt service on bonds issued for capital projects, are made from two accounts in the Motor Vehicle Fund. These accounts are the Puget Sound Reserve Account and the Puget Sound Capital Construction Account.

PUGET SOUND RESERVE ACCOUNT - The Puget Sound Reserve Account (PSRA) was established by the Legislature in 1961 to ensure the availability of funds for debt service on Ferry System revenue bonds that were issued in 1963 to fund construction of the Hood Canal Bridge and other capital improvements. Revenues for the PSRA are provided by an earmarked share of the motor vehicle fuel tax.

State law and the bond resolution for the 1963 bonds pledge the motor vehicle fuel tax revenues that are deposited in the PSRA for the payment of principal and interest on the bonds.

Appropriations from the PSRA are made for debt service on the 1963 bonds, and for additions to a fund called the Ferry Improvement Fund. The Ferry Improvement Fund provides funding for minor capital improvements made by the Ferry System; expenditures from this Fund are not subject to legislative appropriations.

During each biennium, fuel tax revenues deposited in the PSRA that are in excess of appropriations for debt service on the 1963 bonds and additions to the Ferry Improvement Fund are transferred to the Puget Sound Capital Construction Account.

PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT - The Puget Sound Capital Construction Account (PSCCA) was established in 1977 for the purpose of providing funding for the Ferry System capital program. In addition to transfers from the PSRA, this Account is funded by a .2% portion of the Motor Vehicle Excise tax rate.

All major Ferry System capital expenditures are funded by appropriations from the PSCCA. In addition, transfers are made from this Account to reimburse the Motor Vehicle Fund for debt service on Motor Vehicle Fund bonds issued since 1977 for Ferry System capital projects. Each biennium, PSCCA funds also are used to provide part of the state tax support for operations of the Ferry System.

SUMMARY:

In order to simplify the funding structure of the Ferry System capital program, the Puget Sound Reserve Account and the Ferry Improvement Fund are abolished. The Puget Sound Capital Construction Account is retained, and will be the only account in the Motor Vehicle Fund into which revenues earmarked for the capital program are deposited.

The share of the motor vehicle fuel tax that currently is earmarked for the PSRA is reallocated to the PSCCA.

The abolishment of the PSRA does not affect the Legislature's commitment to provide revenues for the payment of principal and interest on the 1963 bonds and to give those payments priority in the allocation of motor vehicle fuel tax revenues that are earmarked for the Ferry System capital program. The PSCCA simply replaces the PSRA as the Account from which those payments will be made.

These changes in the funding structure of the Ferry System capital program will take effect at the beginning of the 1987-1989 biennium.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	44	1

EFFECTIVE: July 1, 1987

HB 1868

C 157 L 86

By Representatives Belcher, Betrozoff, Locke, Lux, Smitherman, J. Williams, B. Williams, P. King, Rayburn, Baugher, Unsoeld and Winsley; by request of 1989 Washington Centennial Commission

Prohibiting unauthorized use of official logos of the 1989 Washington centennial.

House Committee on State Government

Senate Committee on Parks & Ecology

BACKGROUND:

November 11, 1989, marks the centennial of Washington's admission to the Union. In recognition of this anniversary, the 1982 Legislature established the 1989 Washington Centennial Commission which is responsible for developing a comprehensive program for celebrating the centennial. The program is to include a Pacific celebration, centennial games, centennial publications, audio-visual productions, and local celebrations.

The Commission is also to commemorate the state's maritime heritage through a "Return of the Tall Ships" program, and to observe the centennial and bicentennial of the state and federal Constitutions, respectively. The Commission is authorized to earn income through licensing the centennial logo or to grant use of the logo in recognition of services provided.

SUMMARY:

Unauthorized use of centennial logos, emblems, symbols, slogans, or marks originated under and adopted by the Centennial Commission constitutes unfair practice under the State Consumer Protection Act and constitutes a gross misdemeanor. At the request of the Commission, the Attorney General is to bring action against persons or entities that make use of

such logos, emblems, symbols, slogans or marks without authorization. Enforcement action is authorized only with respect to logos, emblems, symbols, slogans, or marks for which notice of adoption by the Commission has been published in the state register.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	1

EFFECTIVE: June 11, 1986

SHB 1869

C 98 L 86

By Committee on Judiciary (originally sponsored by Representatives Locke and Winsley)

Changing provisions relating to crime victims' compensation.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1985, the time period in which a crime victim must submit an application for benefits in order to be eligible for crime victims' compensation was modified. For crimes occurring after 1985, the application for benefits must be submitted within one year after the crime was reported to police. An additional eligibility requirement is that the crime must have been reported to the police within 72 hours of its occurrence, or if it could not have been reasonably reported within that time period, within 72 hours of when a report could reasonably have been made. Certain persons who were victims of crimes committed before 1985, and who could not reasonably report the crime within 72 hours after its occurrence, but who will make a timely report to police after 1985 may be precluded from compensation under this scheme. An example of this category of crime victim is a victim of child abuse, whose report to police will probably not be within 72 hours of the crime, but will be reported at some later date.

Under the crime victims' compensation program, crime victims receive compensation for injuries and losses they have sustained in much the same way as injured workers receive compensation under the Industrial Insurance Act. Various provisions of the Industrial Insurance Act are made applicable to the crime victims' compensation program by reference, while others are specifically excluded. In 1985, a provision in the Industrial Insurance Act regarding medical aid was amended which now requires that medical fees be paid within 60 days of proper billing or interest will accrue. This provision applies by reference to the victims' compensation program, which because of the nature of the program does not normally provide such reimbursement within 60 days.

The public safety and education account was created by the Court Improvement Act of 1984. It was designed to collect all of the state's share of local trial court revenues, which previously had been deposited in a number of special accounts and funds. Moneys in the account are used for a number of purposes, including criminal justice training, crime victims' assistance, the judicial information system, and highway safety programs. A shortfall for this account of $6.9 million is projected for the current biennium.

SUMMARY:

The eligibility for compensation of crime victims who were victims of crimes occurring prior to December 31, 1985, but who reported or will report the crime to police after that date is modified. If the delay in reporting the crime to the police is reasonable and the application for benefits is made within one year of the report, then the victim is eligible to receive crime victims' compensation.

The Industrial Insurance Act provision that medical charges be paid within 60 days of receipt of a proper billing or interest will accrue is made inapplicable to the crime victims' compensation program.

An additional 30 percent surcharge is added to the current 60 percent public safety and education assessment on municipal and district court fines, penalties and forfeitures. The entire amount of money collected from the additional surcharge is to be deposited in the public safety and education assessment account. Money collected from fines and from the current 60 percent surcharge will continue to be split 68–32, with 68 percent going to the local government, and 32 percent going to the public safety and education assessment account. For mandatory fines assessed under the driving while intoxicated statute, the assessment will remain at its current 60 percent. The change in the public safety and education assessment provisions takes effect immediately.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986
May 1, 1986 (Section 4)

SHB 1870

C 283 L 86

By Committee on Trade & Economic Development (originally sponsored by Representatives McMullen, Schmidt, Fisch, Haugen and May)

Requiring charter and tour operators to maintain an escrow account.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

A number of businesses offer packaged tour or charter operations. These packages may be sold through travel agents or directly by the charter or tour operator. The Consumer Protection Act prohibits unfair business practices and gives consumers and the Attorney General the right to initiate court proceedings against persons who commit such practices.

SUMMARY:

Those involved in charter or tour promotion must comply with certain requirements. Travel promoters include those offering transportation arrangements in conjunction with other services. The act does not apply to airline, ship, rail, charter party, auto transportation, and motor carriers or to travel agents meeting specified standards or tour operations meeting insurance and boarding standards.

Prior to any advertisement in this state, a travel promoter must have contracted for the transportation. The travel promoter must make certain disclosures at or prior to the time of payment for the services. If the transportation is cancelled, the promoter must refund, within fourteen days, all payments received for which services have not been provided.

A travel promoter must deposit 90% of all funds received into a trust account. The promoter may withdraw funds from the account only to pay for services. Once all services have been paid for, the promoter may withdraw remaining funds. Instead of a trust account, the travel promoter may obtain a bond to cover its performance. If a travel promoter has a guarantee from a tour operator meeting insurance and bonding requirements, the trust account or bond is not required. Failure to maintain a trust account or a bond when required is a gross misdemeanor.

Failure to comply with the act is a violation of the Consumer Protection Act.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	42	0	
House	94	0	

EFFECTIVE: January 1, 1987

SHB 1873

C 58 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Wang and R. King; by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to benefits for injured workers.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Injured workers are authorized by statute to seek recovery in a civil suit for their injuries from persons responsible for the injuries, other than the worker's employer or a co-worker. If the worker elects not to seek recovery from the third party, the Department of Labor and Industries may pursue the suit. In some of these third party suits, the worker may be entitled to damages under an underinsured motorist insurance policy. However, if that policy is owned by the worker's employer, the department is not allowed to recover against the policy for the benefits already paid to the injured worker from the state fund.

If the worker is awarded compensation for a permanent partial disability, the amount of the award is determined by statute for specified disabilities or as a percentage of a total award for unspecified disabilities. The amount of these awards does not automatically adjust for cost–of–living increases.

If a worker who is eligible for benefits or who is receiving permanent total disability (PTD) benefits dies because of an industrial injury, the worker's surviving spouse, children, or other specified dependents receive benefits under a statutory schedule. These benefits are also paid to the surviving spouse and children of a worker who was receiving PTD benefits even though the worker's death is unrelated to the industrial injury.

Medical care for injured workers is paid under the industrial insurance system from the time of the injury or development of disease. There is no provision, however, for paying the cost of medical care that would prevent future disease. Treatment such as inoculation to prevent hepatitis after the injured worker is exposed to the infection is not authorized.

SUMMARY:

The damages that an injured worker or the worker's beneficiary may recover under an underinsured motorist insurance policy will be subject to third party recovery provisions if the policy owner is the injured worker's employer.

Beginning July 1, 1986, the specified and unspecified awards for permanent partial disability are raised by fifty percent from the amounts presently awarded.

For claims filed on or after July 1, 1986, a worker eligible for permanent total disability benefits must make an election concerning the payment of benefits to surviving beneficiaries in case the worker's death results from a cause unrelated to the industrial injury. The worker may select one of three options: (1) full pension benefits until the worker's death, with no benefits to surviving beneficiaries; (2) an actuarially reduced pension that will continue after the worker's death to surviving beneficiaries; or (3) an actuarially reduced pension that will continue after the worker's death at one–half the reduced pension to the surviving beneficiaries. If, after making the election, the worker dies of a cause related to the injury, the surviving beneficiaries will receive the statutory survivors' benefits. The worker's spouse must consent to the election of the pension with no survivor benefits.

The supervisor of industrial insurance or a self–insured employer may authorize inoculation or other immunological treatment for a worker whose work–related activity has resulted in probable exposure to a potential infectious occupational disease. Authorization of the treatment does not bind the department or self–insurer in a subsequent adjudication by the worker for occupational disease.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	1

EFFECTIVE: June 11, 1986
July 1, 1986 (Sections 2 and 3)

SHB 1875

C 59 L 86

By Committee on Commerce & Labor (originally sponsored by Representatives Rayburn, Chandler, Wang, Patrick, R. King, Ballard, Armstrong, Winsley and May; by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to industrial insurance benefits for retired workers and pensioners.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The Board of Industrial Insurance Appeals recently determined that a worker who had voluntarily retired from his occupation was entitled to temporary total disability (time–loss) compensation when an aggravation of a work–related injury caused a total and temporary inability to work. The board reasoned that because Washington law compensates for loss of earning capacity, it is irrelevant that the worker would not otherwise be earning wages. Previously, it had been the policy of the Department of Labor and Industries to limit time–loss benefits or the award of pension benefits for permanent disability to those claimants who would be earning wages if they were not disabled.

Injured workers under the age of 65 who receive temporary or permanent total disability payments have their compensation reduced by the amount that they are receiving for disability under the federal social security law. When the worker qualifies for a social security retirement pension, the offset no longer

applies. The worker is then able to receive full benefits under both federal social security and workers' compensation.

The director of the Department of Labor and Industries may adjust the rate of compensation allowed to an injured worker if aggravation, diminution or termination of the disability occurs. Washington courts have held that medical testimony is required to show that the worker's disability has been aggravated or diminished. In the case of diminution of the disability, medical testimony is required even though the worker has returned to his or her occupation.

SUMMARY:

Benefits for permanent total disability will not be paid to a worker who, at the time of filing or reopening a claim, is determined to be voluntarily retired. Benefits for temporary total disability will not be paid if the worker is voluntarily retired.

The director of the Department of Labor and Industries may suspend or terminate the worker's total disability pension without producing medical evidence showing a diminution of the disability if the worker returns to gainful employment for wages.

Beginning July 1, 1986, the compensation received by an injured worker for temporary or permanent total disability will be reduced by the amount of social security retirement benefits received by the worker, under procedures established by the department. The reduction will not apply to workers who are receiving pensions prior to the effective date of the act. Any reduction made in a worker's pension for the election of survivor's benefits shall be made before the social security offset is applied.

VOTES ON FINAL PASSAGE:

House	97	1
Senate	45	1

EFFECTIVE: June 11, 1986
June 30, 1989 (Section 3)
July 1, 1986(Section 5)

SHB 1892

C 70 L 86

By Committee on Energy & Utilities (originally sponsored by Representatives Locke and Vander Stoep)

Limiting the taxation of telecommunications services by cities.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Cities may impose telephone utility taxes on telecommunications companies. With the AT&T divestiture two years ago, separate local and long distance companies emerged. One arrangement of the divestiture was that long distance companies would pay an access charge to the local company to make interconnections. Cities impose utility taxes on both local and long distance companies for calls within the state. Both companies pay taxes on the same access charges. The access charge receipts are part of the local company's taxable income, and the long distance company's taxable income includes long distance call tolls, which are priced so as to include the access charge.

A sudden municipal tax rate change could jeopardize a city's solvency. Accordingly, it may be necessary to delay and phase in such a change.

SUMMARY:

Effective January 1, 1987, receipts by a local telecommunications company from a long distance telecommunications company for connecting fees, switching charges, or carrier access charges relating to intrastate toll services are not subject to utility taxes, but are subject to the city business and occupation taxes.

The law which decreases telephone utility taxes to six percent over several years is delayed one year. Additionally, cities for which the preceding provisions do not offset the revenue reduction, may reimpose for 1987 the rates that were in effect on telephone business during 1985.

The Joint Select Committee on Telecommunications will study: (a) the degree to which cities realize taxes from all intrastate long distance telephone calls; (b) means to assure all valid taxes are collected; and (c) the extent, if any, to which state agencies can assist cities in identifying providers of long distance services

subject to taxation. The committee will report results to the legislature January 1, 1987.

VOTES ON FINAL PASSAGE:

House	87	5
Senate	47	0

EFFECTIVE: June 11, 1986
January 1, 1987 (Sections 1,2,4 and 5)

HB 1899

C 284 L 86

By Representatives Prince, Lux, Chandler, C. Smith, Vekich, Jacobsen and Nealey

Providing for the establishment of a state land bank.

House Committee on Financial Institutions & Insurance

Senate Committee on Agriculture

BACKGROUND:

The federal government has established a farm credit system comprised of three types of banks: federal land banks, which finance long-term real estate purchase; federal intermediate credit banks, which finance production and crops; and cooperative banks, which provide financing to farmer cooperatives. Washington law permits five or more persons engaged in agricultural production to form a nonprofit cooperative association for, among other purposes, financing agricultural production, marketing and selling.

SUMMARY:

The Director of General Administration is required to establish, by rule, the Washington Land Bank patterned after the federal land bank. The land bank is organized by borrowers to provide loans to farmers and ranchers. Voting stock may only be held by borrower members of the bank. The bank may loan money for agricultural purposes using farm real estate as collateral. Loans may not be made for more than 65% of the appraised value of the real estate. Loans are to be evaluated on long-term profitability rather than short-term cash flow. Payments may be deferred for up to five years. The land bank may originate its own loans or participate with other lenders, including cooperative associations organized to work with the land bank. The debts and obligations of the land bank are not debts or obligations of the state of Washington.

An advisory committee is established to assist in the development of administrative rules.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

HB 1900

C 177 L 86

By Representatives Baugher, Rayburn, Bristow, Vekich, Peery and Braddock

Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law prohibits a person from allowing a bull other than a bull of a recognized beef breed to run at large on any open range area.

Before turning upon open range more than 15 female breeding cattle which are two years old or older, a person must turn one registered purebred bull of recognized breed for every 40 females or fraction of 25 or more.

SUMMARY:

All persons running cattle in common on any range area may agree to run a purebred or crossbred bull of any breed as they deem appropriate.

All persons running cattle in common on any range area may agree to any proportion of bulls to female cattle of breeding age as they deem appropriate.

VOTES ON FINAL PASSAGE:

House	93	3
Senate	46	0

EFFECTIVE: June 11, 1986

SHB 1950

PARTIAL VETO

C 300 L 86

By Committee on Social & Health Services (originally sponsored by Representatives Brooks and May)

Revising provisions on medical practice.

House Committee on Social & Health Services

Senate Committee on Judiciary

BACKGROUND:

Physicians licensed by the state to practice medicine are subject to disciplinary proceedings by the Washington State Medical Disciplinary Board for unprofessional conduct. The board is composed of eight physicians, one from each Congressional district elected by physicians, as well as a public member appointed by the governor.

Currently, there is no specific authority requiring liability insurance companies to report malpractice awards against physicians. There is also no specific authority for requiring hospitals to obtain information on the malpractice experience of physicians when employing or granting staff privileges.

SUMMARY:

The legislature finds that medical malpractice will be reduced if hospitals establish coordinated medical malpractice prevention programs, and if the physician disciplinary boards have access to information on impaired or incompetent physicians.

Two additional public members are added to the Medical Disciplinary Board. The board's attorneys–general are subject to board approval and must work under its direct control; likewise Department of Licensing investigators are subject to the approval of the board.

Hospitals are required to maintain coordinated malpractice prevention programs, which include (1) a quality assurance committee to review policies; (2) a medical staff privileges sanction procedure to evaluate staff privileges; (3) periodic review of all health care personnel associated with the hospital; (4) a grievance procedure; (5) a malpractice information system of negative health care outcomes, settlements, awards and costs; (6) maintenance of individual physician personnel files; (7) education programs; and (8) compliance procedures.

Persons acting in substantial good faith providing information pursuant to the malpractice prevention program are immune from civil liability. Evaluative information collected pursuant to this program about health care providers is not subject to discovery or introduction into evidence, with exceptions.

The Department of Social and Health Services must adopt rules to effectuate the purposes of this law, and the medical and osteopathic medical disciplinary boards may review the records and decisions of hospital quality assurance committees. Hospitals are required to produce such records, subject to a maximum civil penalty of $250. Violations of these requirements are not considered negligence per se.

Physicians and osteopathic physicians are required to report to their respective medical disciplinary boards all acts of unprofessional conduct or negligence, except matters under investigation or where physicians are undergoing a treatment program. Failure to comply subjects physicians to disciplinary sanctions.

Liability insurers must report to the medical disciplinary boards all malpractice settlements, awards or payments in excess of $20,000, and all such information involving a physician against whom three or more claims have been made in a year, regardless of the dollar amount of the award or payment. An insurer who fails to comply with the reporting requirements is subject to a civil penalty of up to $250.

Hospitals must report to the boards the restriction or termination of clinical privileges due to unprofessional conduct, subject to a maximum civil penalty of $250, as well as maintain and disclose written records of decisions.

Hospitals must require of physicians applying for clinical privileges a history of prior unprofessional misconduct, and hospitals must request of other hospitals, where the physician had privileges, all such information. Hospitals receiving such requests are required to produce the information and are relieved of civil liability in doing so.

Information compiled by hospital review committees conducting quality assurance reviews is not subject to discovery or introduction into evidence, with exceptions. Hospitals must be given access to information in possession of the medical and osteopathic disciplinary boards on decisions of hospitals regarding the credentialing of physicians. Violations are not be be considered negligence per se.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The authority of the Medical Disciplinary Board to approve the assistant attorneys general and the departmental investigators assigned to it and who must work under its direct control, was vetoed as not being within the proper duties of a part-time board. (See VETO MESSAGE)

HB 1954

C 104 L 86

By Representatives J. King, Appelwick and Holland; by request of Governor Gardner

Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Cities and counties are allowed to levy a special excise tax of up to two percent on the lodging receipts of hotels and motels. Except in King County, these tax revenues are to be used for constructing or operating stadium facilities, convention center facilities, performing arts center facilities, visual arts center facilities or to pay for tourism promotion activities. In King County those revenues may only be used for debt service on the Kingdome and new capital improvements to the Kingdome.

Revenues collected by cities and counties imposing this tax are deducted from the state sales tax on hotels and motels within the city or county. For example, in King County, the state sales tax of 6.5 percent on hotels and motels is split 4.5 percent for the state and 2.0 percent for the county.

This local optional two percent hotel/motel tax is separate and distinct from (1) the "Seattle Convention and Trade Center hotel/motel tax" of five percent in Seattle and two percent in the rest of King county for the convention center; (2) the optional Bellevue three percent hotel/motel tax for convention and trade facilities; and (3) the repealed optional three percent hotel/motel tax for cities with a population over 25,000 for convention and trade facilities.

The proposal by the Major League Baseball Commission to keep the Seattle Mariner baseball team in Seattle provided for a financial contribution by the state. However, the agreement which was signed allowed King County the authority to accept or reject any state contribution. The Commission proposed that the state contribute $1.5 million annually by foregoing one percent of the sales tax revenues on amounts charged for hotels and motels in King County. This proposal would have increased the offset to the state sales tax from its existing level of two percent to three percent, thus reducing the state tax from 4.5 percent to 3.5 percent on these charges.

King County may use revenues from the two percent hotel/motel tax to pay for past and future capital improvement projects to the Kingdome. The two percent hotel/motel tax may only be used for the debt service on the original bonds sold to finance the Kingdome and new capital improvement projects.)

SUMMARY:

King County is subject to the following conditions when imposing the two percent hotel/motel tax to pay for the Kingdome bonds: (1) Any excess in tax collections over $5.3 million per year are to be used for art and cultural museums; (2) None of the two percent hotel/motel tax revenues may be used for operation or maintenance of the Kingdome; (3) No property tax revenues may be used for debt service on the Kingdome bonds unless the two percent hotel/motel tax revenues are insufficient to pay the debt service; (4) The bonds are to be retired if the Kingdome is sold or if the management of the Kingdome is turned over to a private group; and (5) No major league sports franchise may lease the Kingdome unless it gives the right of first refusal, upon its sale, to local government. (This condition does not apply to contracts currently in effect.)

VOTES ON FINAL PASSAGE:

House	64	34	
Senate	27	20	(Senate amended)
House	50	45	(House concurred)

EFFECTIVE: April 1, 1986

HB 1962

C 102 L 86

By Representatives Cole, Nutley, Patrick, Wang, Betrozoff, Chandler, Ebersole, J. Williams, Long, Fisch, R. King, Walker, O'Brien and Fisher

Modifying provisions regulating engineers and surveyors.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The State Board of Registration for Professional Engineers and Land Surveyors consists of five engineers serving five year staggered terms. Members of the Board must have practiced at least twelve years. The board must act upon all charges made against engineers or land surveyors either by dismissal or by a hearing within three months. Unauthorized practice is a misdemeanor.

There is a provision directing certain registrations under the original 1947 legislation. Included are directives for registration without examination if the person was an actual resident, provided two affidavits and applied before January 1, 1948.

SUMMARY:

The State Board of Registration for Professional Engineers and Land Surveyors is expanded from five to seven members. The two additional members must be land surveyors. No member may serve more than two consecutive terms on the board.

Eligibility for Board membership is reduced to ten years of practice of engineering or land surveying, with five years preceding the appointment. The requirement that charges be either dismissed or heard within three months is stricken.

The penalty for unauthorized practice is raised to a gross misdemeanor.

The language relating to applications prior to January 1, 1948 is repealed.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	44	1	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1967

C 307 L 86

By Committee on Local Government (originally sponsored by Representative McMullen)

Providing for the lease of state lands for county fairgrounds.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Counties are authorized to provide fairs and agricultural exhibitions. County money may be appropriated for such purposes.

SUMMARY:

(1) The Department of Natural Resources must negotiate a lease to a county for use of a portion of the Northern State Hospital site as a county fairground. The lease value shall be $1,000 per year, with periodic adjustments. The lease must include payments of assessments imposed on the land.

(2) If requested by a county, a state agency managing nontrust state lands must consider leasing the land to the county for county fair purposes. Consideration of lease charges below market value may be made.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	47	0	(Senate amended)
House	94	1	(House concurred)

EFFECTIVE: June 11, 1986

SHB 1972

PARTIAL VETO

C 302 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives P. King and Long)

Authorizing entities to self-insure for property damage and casualty insurance.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Local government entities are currently authorized to self-insure for liability insurance only. Nonprofit fraternal organizations and cooperatives may not enter into joint self-insurance arrangements since, absent specific statutory authority, such self-insurance would be engaging in the unauthorized business of insurance.

SUMMARY:

Local government entities are authorized to self-insure for property insurance. Nonprofit fraternal organi.ations that join together to self-insure for property or liability risks, and cooperatives that join together to self-insure for liability risks of their officers and directors are exempted from the definition of insurer for purposes of the insurance code, thus authorizing such self-insurance free from regulation by the Commissioner.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Section 2 authorizing fraternal benefit societies and cooperatives to jointly self-insure liability risks is vetoed. (See VETO MESSAGE)

SHB 1976

C 67 L 86

By Committee on Judiciary (originally sponsored by Representatives Locke, O'Brien, Zellinsky, Tilly, Armstrong, Brough and Fisch)

Requiring notice to prosecuting attorney before releasing mentally disordered persons.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

An incompetent person may not be tried or convicted for any crime as long as the person remains incompetent. Incompetency means a person lacks the capacity to understand the nature of the criminal proceedings or is unable to assist in his or her own defense as the result of mental disease or defect. If a criminal defendant who is charged with a felony is determined to be incompetent, then the trial is delayed, and the defendant is committed for 90 days to the department of social and health services for evaluation and treatment to determine if the defendant will regain competency. If the defendant remains incompetent after a series of commitments, then the charges are dismissed and the defendant is either released or a civil commitment proceeding is initiated.

The civil commitment laws allow involuntary treatment for 90 days of persons found incompetent to stand trial for felony criminal charges. These persons may be civilly committed if they have committed acts constituting a felony and as a result of a mental disorder, present a substantial likelihood of repeating similar acts. The committed person must be released from involuntary treatment at the end of 90 days unless a mental health professional files a new petition for involuntary treatment. If a new petition is filed and the court or jury finds that the committed person presents a substantial likelihood of repeating felonious acts as a result of mental disorder, then a 180 day commitment order may be entered. Successive 180 day commitments are permissible on the same grounds. The professional person in charge of the facility in which the person is being involuntarily treated may release the committed person before expiration of the commitment if it is the professional person's opinion that the committed person no longer presents a likelihood of serious harm to others. The professional person may also provide that the committed person be conditionally released and receive outpatient treatment prior to the expiration of the commitment order.

Under the law, the prosecuting attorney in the county in which the criminal charges against the committed person were dismissed is not informed of or involved in decisions regarding the committed person in the civil commitment process.

SUMMARY:

The procedures for civil commitment of persons who cannot be tried for felony criminal charges because they remain incompetent to stand trial are modified.

The initial period of commitment under the civil commitment laws for persons found incompetent to stand

trial for felony criminal charges is increased from 90 to 180 days.

Notice of certain decisions and proceedings under the civil commitment laws are required to be provided to the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The prosecutor is entitled to receive notice from the responsible mental health official of the following decisions: 1) The decision not to file a new petition for involuntary treatment prior to expiration of an existing order; 2) the decision to grant an early release from commitment; and 3) the decision to conditionally release the committed person for outpatient treatment. The prosecutor may petition the proper court for a hearing to review the decision for early or conditional release of the committed person. The prosecuting attorney is also entitled to be notified and may intervene in any proceeding to modify a commitment order in which the requested relief includes treatment less restrictive than detention.

The prosecutor is given access to the mental health records regarding the committed person's treatment and prognosis, medication, behavior problems or other relevant records. Information may be disclosed only after giving notice to the committed person and the person's counsel.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 1986

C 140 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Isaacson, Lux, Hankins, Winsley, May, Lewis, Jacobsen and Schoon)

Including adopted children within the definition "child of the insured" for insurance purposes.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Adopted children, from the time a decree of adoption is entered by the court, are considered for all purposes, including insurance, to be the children of the adoptive parents. Adopted children are usually placed in the prospective adoptive parents' home for a period prior to the time the adoption decree is entered. There is no statutory guidance as to the status of the child with respect to insurance during this period.

SUMMARY:

A child physically placed with an insured for purposes of an adoption is considered to be a child of the insured if the adoptive parent has assumed financial responsibility for the medical expenses of the child.

Disability insurance contracts, group disability contracts, health service contracts, and health maintenance agreements which provide coverage for dependent children must provide coverage for adopted children on the same basis from the time the child is placed with the insured. If the insured is obligated to pay an additional premium, the insured must notify the insurer.

All contracts or agreements issued or renewed on or after January 1, 1987 are subject to these provisions.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	44	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: January 1, 1987

SHB 2011

C 69 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives P. King and Addison)

Requiring maintenance of separate accounts for insurance agents.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

The Insurance Code requires agents promptly to report and account for funds received in payment of insurance policy premiums. Any agent who diverts or appropriates any client funds is subject to criminal prosecution for larceny by embezzlement.

SUMMARY:

Insurance agents, brokers and solicitors must maintain a separate account to hold customer funds apart from other funds. Each wilful violation of this requirement is a misdemeanor.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: January 1, 1987

SHB 2014

C 178 L 86

By Committee on Agriculture (originally sponsored by Representatives Vekich and Ballard)

Revising regulation of agriculture commission merchants.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

COMMISSION MERCHANT LAWS. The state's commission merchant statutes require persons to be licensed by the Department of Agriculture as "commission merchants" if they receive agricultural products for sale on consignment or otherwise sell such products on commission. Persons, other than cash buyers, who obtain agricultural products for resale or processing must be licensed as "dealers". Also required to be licensed under these statutes are certain brokers, cash buyers, agents, and boom loaders. Exempted from this requirement are retail merchants and certain persons licensed by the Department under other statutes. The commission merchant statutes require licensees to be bonded.

SECURITY INTERESTS & LIENS. In a bankruptcy proceeding, secured claims of creditors have priority over unsecured claims. A secured interest may be derived from: (1) a judicial lien obtained by judgment or other equitable process; (2) a lien created by statute; or (3) a lien, called a security interest, created by a contractual agreement with the debtor. State law establishes a lien for an agricultural producer who delivers grain, hay or straw to a person who feeds livestock or prepares livestock products for market. This "preparer lien" attaches to the products delivered and to the preparer's accounts receivable.

SUMMARY:

CIVIL INFRACTIONS. A person who violates the provisions of the commission merchant statutes regarding the following has committed a civil infraction: (1) acting as a commission merchant, broker, dealer, cash buyer, agent, or boom loader without a license; (2) displaying license plates issued by the Director of Agriculture on certain vehicles and removing or surrendering such plates as required; (3) transporting hay or straw without a required certified weight ticket; (4) carrying a manifest of cargo; and (5) stopping a vehicle transporting hay or straw when directed to do so by the Director or the Director's officers.

Penalties for civil infractions are established. The Director must adopt a schedule of monetary penalties, not in excess of $1,000, for each civil infraction and shall submit the schedule to the proper courts. Failure to pay a monetary penalty is a misdemeanor.

The Director is authorized to issue a notice of a civil infraction if the Director has reasonable cause to believe an infraction has been committed. It is a misdemeanor for any person to refuse to identify himself or herself for the purpose of issuance of such a notice or to refuse to sign a written promise to appear or respond to a notice. A person wilfully violating a written and signed promise to respond is guilty of a misdemeanor. If the person does not contest the determination, the person must respond to that effect and submit payment in the amount of the penalty to the court specified on the notice. If a person contests the determination, the person must respond to that effect and the court is required to notify the person concerning a hearing. If a person fails to respond or fails to appear at a requested hearing, the court is to assess the monetary penalty and notify the Director. A hearing held to contest the determination is to be held without jury and the burden of proof is upon the state to establish the commission of the infraction by preponderance of the evidence. Appeal from the court's determination or order will be to the superior court. A decision of the superior court is subject only to discretionary review. All such civil fines received by the courts are to be paid to the Director, less any mandatory court costs and assessments.

If the person does not contest the determination but wishes to explain mitigating circumstances, the person must respond accordingly and an informal hearing will be conducted.

BONDS. Bonds required of commission merchants or dealers are to be to the state for the benefit of qualified consignors. Notice is required for the release of bond liability. Various provisions regarding the bonds required for such merchants and dealers. A claim against the bond of a commission merchant or dealer in hay or straw must be filed within 20 days from the date of the licensee's default.

PAYMENT VIOLATIONS. A person acting as a commission merchant, dealer, or cash buyer who fails to comply with the payment requirements set forth in the state's commission merchant statutes for cash buyers, or who fails to satisfy the deadlines established by those statutes for payments by commission merchants or dealers is guilty of a class C felony.

OTHER. Deleted from the definition of a "retail merchant" is the authority of such a merchant to sell any agricultural product at wholesale occasionally. A dealer or commission merchant dealing in hay or straw shall furnish the consignor a copy of a certified weight ticket within 72 hours of taking delivery.

PREPARER LIENS. A person, who has monies payable to a preparer of dairy products or to such an entity's assigns which are encumbered by a preparer's lien upon an account receivable, is not obligated to pay an agricultural producer amounts to which the lien has attached until that person receives written notice of the lien. Nor is that person liable to the producer for any amounts paid out prior to receipt of the notice. If requested, the producer must seasonally furnish proof that the lien continues to exist. Upon request, a preparer of dairy products must provide the producer the name of the purchaser or marketing agent of the products. These provisions apply if the preparer or the preparer's assigns are not producer-handlers.

SECURITY INTERESTS IN LIVESTOCK. A security interest cannot attach to livestock or to meat or meat products made from livestock where: the livestock is sold to a commission merchant or dealer in livestock or to a commercial feedlot by another party; and the other party has been paid by a draft or check which remains outstanding for not more than 10 days.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	47	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: June 11, 1986

SHB 2021

PARTIAL VETO

C 303 L 86

By Committee on Social & Health Services (originally sponsored by Representatives J. King and Brooks)

Creating Washington health care project commission.

House Committee on Social & Health Services

House Committee on Ways & Means

Senate Committee on Human Services & Corrections

BACKGROUND:

Medicaid (Title XIX of the Social Security Act) was created in 1965 to provide, on a cost sharing basis with the states, medical care to groups of poor people called "the categorically needy"--mainly recipients of Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI).

Since Medicaid's creation, its budget has risen rapidly, which has caused the federal government to periodically seek ways to control costs. The most recent attempt came from the Omnibus Budget Reconciliation Act of 1981 (OBRA) which streamlined the procedures for states to receive waivers from the federal Medicaid requirements. With these changes, demonstration projects such as Managed Health Care Systems (MHCS) became more easily established.

The most common type of MHCS is the Health Maintenance Organization (HMO), which is a business entity that assumes a contractual responsibility to provide or purchase comprehensive health services using a specified set of providers on a prepaid capitation basis. Other types of MHCS include: Primary Care Network (PCN), which is a network of primary care physicians already practicing in the community who manage the health care of their patients and are financially "at risk" for the total cost of health care for those patients; Individual Practice Association (IPA), which is a network of physicians already practicing in the community who want to participate in a more loose agreement to provide care; and Preferred Provider Organization (PPO) which delivers health care to purchasers of health care on a contracted basis with discounts or other financial incentives.

Key features of MHCS usually include: 1) provision of insurance and responsibility for the delivery of health care services through the same organization; 2) financial risk to the managed health care system through capitation payment; 3) quality control of care; 4) utilization management of enrollees; 5) a comprehensive set of health services; and 6) the use of a case manager or "gate keeper."

In recent years, the number of persons without access to affordable health care has grown. Generally, these are unemployed persons who are not eligible for "categorical" programs such as AFDC and SSI, or those who are employed but do not have health care coverage. In the past, these "unsponsored" persons received free care from providers who would in turn pass the cost of this "uncompensated" care to paying customers by way of increased rates. However, due to the rapid increase in health care costs in recent years, and the corresponding changes to the financing of health care, i.e., competition, capitation, experience rating, etc., there has been a diminishing amount of funds to pay for the unsponsored person. It has been estimated that approximately 600,000 persons in Washington State are without coverage.

Although only six departments or agencies account for almost all state expenditures for health care, there has not been sufficient coordination between or among a far greater number of distinct programs that either purchase or provide health care services. Nor has there been sufficient or effective coordination between and among those responsible for the operation of those programs. The Governor's Report on the Six-Year State Health Care Purchasing Plan identified several specific recommendations for achieving savings in state health care expenditures.

SUMMARY:

The purposes of the Act are: 1) to enroll more AFDC Medicaid recipients in MHCS; 2) to establish a commission to develop a health care plan for persons without health care coverage; and 3) to establish cost containment policies for state purchased health care.

In regard to Medicaid, by July 1, 1991, the Department of Social and Health Services is required to: (1) enter into managed health care agreements for all AFDC recipients in three counties: Class AA - Western part of the State (King), at least 15,000 recipients; Class A - Eastern part of the State (Spokane), at least 10,000 recipients; and Class 1 - Western part of the State (Clark or Kitsap), at least 5,000 recipients. (This is in addition to the existing number of AFDC recipients enrolled in managed health care systems. Presently there are about 11,500 AFDC Medicaid recipients out of 155,000 enrolled in the managed health care systems); (2) provide a choice of programs, to the extent possible, in which recipients can enroll; (3) ensure that Medicaid recipients do not make up a disproportionate number of enrollees in any one system; (4) seek necessary waivers from impeding federal requirements; (5) maximize capitation for in-patient care; (6) work with other states in this region to develop ways to improve health care and control costs; and (7) report to the legislature in January 1987 on the implementation of the program.

The Washington Health Care Project is created to respond to health care needs of unsponsored persons. The Commission is composed of 15 members including eight legislators and is permitted to hire staff, utilize support from DSHS and legislative staff, apply for grants and accept gifts. The commission is required to: obtain data on persons without health care in Washington State and develop a plan which includes a schedule of services, methods of delivery, methods of funding, and methods of integrating the plan with prepaid capitated medical assistance programs. The commission is required to report to the Legislature by December 1, 1986 with the required plan. The commission is terminated upon submission of the report. $125,000 is appropriated to fund the activities of the commission.

The Departments of Social and Health Services, Labor and Industries, Corrections and Veterans Affairs and the State Employees' Insurance Board, are directed to cooperate with the Office of Financial Management in order to facilitate the development of more appropriate health care information systems.

The Departments of Social and Health Services, Corrections and Veterans Affairs and the State Employees' Insurance Board are directed to identify the availability and costs of nonfee-for-service providers of health care, including preferred provider organizations, health maintenance organizations, managed health care or case management systems or other nonfee-for-service alternatives. Where such alternative health care provider arrangements are available and of similar scope and quality, then such agencies are required, to the extent feasible, to make the services of such alternative providers available to clients, consumers or employees for whom state dollars are spent to purchase health care.

The agencies named above are also directed to develop plans for establishing or improving utilization review procedures for purchased health care services. In addition, they are directed to review the feasibility

of establishing prospective payment approaches within their health care programs. Individually or cooperatively, they are directed to take any necessary actions to control the costs for drugs, without reducing the quality of care, and to investigate the feasibility of establishing a drug formulary (a list, either inclusive or exclusive, that defines which drugs are eligible for reimbursement).

The Director of Financial Management is authorized to: 1) establish a health care cost containment program to assist the Director in the implementation and coordination of any health care cost containment strategies adopted by the legislature or the governor; 2) coordinate the activities of all state agencies with respect to health care cost containment policies; and 3) make recommendations on health care cost containment policies.

The State Superintendent of Public Instruction is required, by January 1, 1988, to submit a report to the Legislature on proposed methods of controlling the health care costs of school employees.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	27	21	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	41	3	
House	98	0	

EFFECTIVE: April 4, 1986

PARTIAL VETO SUMMARY:

The requirement that the Director of OFM report to the legislature on efforts to control state health costs was vetoed. (See VETO MESSAGE)

HB 2055

C 103 L 86

By Representative Grimm

Relating to bonded indebtedness.

House Committee on Rules

Senate Committee on Ways & Means

BACKGROUND:

In 1985 the legislature authorized the sale of $286 million in bonds for various capital purposes. The measure which contained this authorization, HB 1328, contained references on which the bond counsel suggested clarification. These are references to bonds issued for the Community Economic Revitalization Board and references to the administration of capital projects.

SUMMARY:

Suggested clarifying language is added by making general reference to the administration of capital projects and specifying that grants and loans are administered by the Community Economic Revitalization Board rather than the Department of Trade and Economic Development.

VOTES ON FINAL PASSAGE:

House	95	1
Senate	48	0

EFFECTIVE: June 11, 1986

SHB 2080

C 141 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representative Lux)

Authorizing a joint underwriting association to provide insurance for day care providers.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

A joint underwriting association is a program designed to make insurance available for those unable to obtain insurance from normal markets. The association is typically designed so that a lead insurer issues, administers and handles claims arising under the policy. At the end of a certain accounting period, all members of the association share the losses from policies written through the association. Such a program is intended to make insurance available; it is not necessarily intended to make insurance affordable.

SUMMARY:

All insurers authorized to write property and casualty insurance in Washington are required to become members of a nonprofit joint underwriting association to provide liability insurance for day-care providers who are licensed by the State of Washington.

The association must make available an occurrence-based liability policy with limits of at least $100,000. The commissioner must require use of a schedule rating plan that takes into account the type, size and past loss experience of the daycare provider.

The commissioner must file or cause to be filed a report to the Legislature by December 1, 1987 outlining the operation of the plan.

The commissioner may adopt all rules necessary to ensure the efficient, equitable operation of the association and may require or limit certain provisions in policies sold by the association.

The act takes effect immediately, and the commissioner must adopt all rules necessary to establish the association by July 1, 1986.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	44	0	(Senate amended)
Senate	43	1	(Senate receded)

EFFECTIVE: March 31, 1986

SHB 2083

C 142 L 86

By Committee on Financial Institutions & Insurance (originally sponsored by Representative Lux)

Creating insurance plans for providers of day care services.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

According to the Governor's Task Force on Daycare, liability insurance for daycare providers is difficult to obtain or afford. One method of avoiding the problem of purchasing insurance is to forego the purchase of insurance and to self-insure.

Self-insurance is a method of risk management to pay for losses arising from damage to property interests or for losses arising from the imposition of legal liability. Under a true self-insurance plan, a group uses principles and methods used by insurance companies to maintain an adequate and liquid fund to pay for losses as they occur. The plan may involve the hiring of outside administrative services for handling claims, plan design, actuarial analysis, money management or loss prevention.

SUMMARY:

After noting problems with obtaining and paying for daycare liability insurance, the Legislature states its intent to authorize daycare associations to self-insure for liability insurance and to provide risk management services for daycare centers.

Daycare associations, as defined in the act, are authorized to create and operate self-insurance plans to provide general liability coverage to association members who choose to subscribe for such coverage.

Daycare self-insurance plans are exclusively governed by this act and are exempt from other insurance code provisions. However, any association desiring to create a self-insurance plan must prepare and submit a plan of organization and operation to the commissioner for approval. If the plan complies with the statutory standards established and the plan is financially sound, then the commissioner must approve the plan.

All funds contributed for the self-insurance plan must be deposited in a contributing trust fund separate from the association's other funds, and the trust may only be used to pay claims and expenses of the self-insurance plan.

No self-insurance plan can be established unless minimum deposits are placed in a contributing trust fund at least 30 days prior to the effective date of the plan.

Financial managers of the funds of the plan must use reasonable judgment when investing and preserving funds. However, if the association delegates financial and investment management to a professional, the professional is held to a higher standard of care in managing and investing funds.

The association must provide an annual report of operations as specified to the Secretary of Social and Health Services, to all subscribers and to the commissioner.

The association has power to contract for risk management, legal counsel and commercial insurance; may

design a risk reduction program; and may consult with the commissioner and other state agencies.

All coverage under the plan is annual, and subscribers may not withdraw from participation unless the subscriber relinquishes his or her daycare license. Premiums should be annual but prorated quarterly for late entrants or early withdrawals from the plan. However, no subscriber may delegate responsibility for payment of any premium, and plans may include provisions for collection of delinquent premiums.

Whenever significant changes are proposed for the plan, six months' notice of the changes must be given to the commissioner. If at any time a plan cannot be operated on a sound financial basis, then the association may dissolve the plan, subject to statutory guidelines.

No person with a claim against a subscriber under the plan may collect from the plan more than the limits of liability provided in the plan. However, the person can still recover against the subscriber's assets.

The commissioner may require the suspension of the plan if the association fails to comply with statutory provisions, if the plan is grossly mismanaged, or if the association willfully disregards or neglects its fiduciary duty. However, the association has a right to appeal the commissioner's decision or to request a hearing.

The costs incurred by the commissioner in overseeing and approving the plan are to be borne by the association.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	48	0	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: March 31, 1986

HJM 26

By Representatives D. Nelson, Belcher, Lux, Cole, Allen, Leonard, Valle, Brekke, P. King, Unsoeld, Jacobsen, Rust, Locke, Niemi, Wang, Wineberry, Armstrong, Ebersole, Todd, Fisher, Tanner and O'Brien

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The Limited Test Ban Treaty of 1963 prohibits the testing of nuclear explosives in the atmosphere, outer space and underwater. The 1974 Threshold Test Ban Treaty limits underground tests to those weapons with yields of 150 kilotons or less.

A Comprehensive Test Ban Treaty would prohibit all nuclear explosions in all environments.

SUMMARY:

The President, the President of the United States Senate, the Speaker of the United States House of Representatives and members of Congress are asked to resume negotiations toward conclusion and ratification of a comprehensive, multinational verifiable test ban treaty.

VOTES ON FINAL PASSAGE:

House	67	28	
Senate	43	0	(Senate amended)
House	65	31	(House concurred)

SHJR 49

By Committee on Constitution, Elections & Ethics (originally sponsored by Representative Ehlers)

Relating to elected officials' salaries.

House Committee on Constitution, Elections & Ethics

Senate Committee on Governmental Operations

BACKGROUND:

In 1948, the voters adopted the Twentieth Amendment to the state's Constitution authorizing the Legislature to establish the compensation to be paid to all elected state officials, but prohibiting compensation increases or decreases during an officer's term. In 1968, the voters adopted the Fifty-fourth Amendment to the state's Constitution authorizing compensation of elective or appointive officers and judges who do not fix their own compensation to be increased during their terms of office.

The Legislature has created by statute a State Committee on Salaries. The Committee studies the duties of all elected state officials and develops recommendations for the salaries to be established for each position.

SUMMARY:

Article XXVIII, Section 1 of the state's Constitution is amended. The authority of the Legislature to set the salaries of elected state officials is deleted as is a prohibition against changing the salary of such an official during his or her term of office.

The salaries of members of the Legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts and district courts are to be fixed by an independent commission created and directed by law. The commission must file any change of salary with the Secretary of State. The change becomes law 90 days thereafter. However, the change is be subject to referendum petition by the people filed within the 90-day period. Such referendum measures shall be submitted to the people at the next general election and are otherwise governed by the provisions of the Constitution applicable to referendum measures.

The salaries fixed under this provision supersede any other provision for the salaries of such officials. The salaries for the officials in effect on January 12, 1987, remain in effect until changed under this provision.

No state official, public employee, or person required by law to register with a state agency as a lobbyist, or an immediate family member of the official, employee, or lobbyist, may be a member of the commission. After the initial enactment of the statute creating the commission, no amendment altering the composition of the commission shall be valid unless the amendment is enacted by a favorable vote of two-thirds of the members elected to each house of the Legislature and is subject to referendum petition.

VOTES ON FINAL PASSAGE:

House	66	31	
Senate	36	11	(Senate amended)
House			(House refused to concur)
Senate	34	11	(Senate amended)
House	68	30	(House concurred)

EFFECTIVE: November 1986 (if the proposed constitutional amendment is ratified by the voters at the November 1986 general election.)

HJR 55

By Representatives Peery, Taylor, Ebersole, Cole, Schoon and May

Specifying the time period for levies for renovation and construction of school facilities.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Article VII, Section 2 of the Washington State Constitution authorizes school districts to issue tax levies upon real and personal property and may issue general obligation bonds for capital purposes. Changes to the constitution require a vote of the people.

SUMMARY:

If voters approve an amendment to Article VII, Section 2 of the Washington State Constitution, school districts would be allowed to levy an additional tax to support construction, modernization or remodelling of school facilities. Such levies will provide support for a period not exceeding six years.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	44	4	(Senate amended)
House	94	1	(House concurred)

HCR 19

By Representatives Fisch, Hargrove, Fisher, Miller, Schoon, Lux, Peery, J. King, Unsoeld, Brough, Allen, Sutherland, Winsley, Vekich, G. Nelson and Wang

Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

In December of 1985 a freighter went aground in Port Angeles harbor, dumping approximately 189,000 gallons of oil. The spill killed over 1,000 shorebirds and damaged beaches at Ediz Hook and Dungeness Spit.

In 1984 oil spills also occurred along Whidbey Island and in the Columbia River.

Responsibility for oil spill prevention and cleanup is spread among many governmental agencies, including local governments, the state Department of Ecology and the U.S. Coast Guard.

SUMMARY:

The Department of Ecology is directed to establish an advisory committee that includes representatives of government agencies, oil industries and environmental organizations. The department, with the assistance of the advisory committee, shall study the current provisions for oil spill prevention, containment and clean up. The Department of Ecology will report its findings and recommendations to the appropriate standing committees of the legislature by December 15, 1986.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	41	4	(Senate amended)
House	95	0	(House concurred)

SHCR 21

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, Patrick, Wang, Chandler, Lux and Ballard; by request of Joint Select Committee on Industrial Insurance)

Establishing the joint select committee on industrial insurance.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

In January 1985, the Joint Select Committee on Workers' Compensation reported its recommendations to the legislature. During the 1985 legislative session, many of the changes proposed by the committee were enacted into law. The Department of Labor and Industries also began implementing the committee's recommendations concerning the management of the industrial insurance system. Oversight of the system continued in 1985 with the Joint Select Committee on Industrial Insurance. Legislation was introduced by this committee to modify various provisions of the workers' compensation law.

SUMMARY:

Legislative oversight of the state's industrial insurance system will continue with the Joint Select Committee on Industrial Insurance. The committee's responsibilities include monitoring the implementation of the recommendations of the 1984 and 1985 joint select committees, reviewing the definition of injury with consideration of preexisting conditions, studying the allocation of benefits in the system, and reviewing the vocational rehabilitation program.

The ten member committee will include the chairs of both the House and Senate Commerce and Labor Committees, and two members of each caucus of each house, at least one member of each caucus being a member of the House or Senate Commerce and Labor Committee.

The committee will use legislative staff and facilities, but may hire consultants if necessary. The expenses of the committee will be shared jointly by the Senate and House of Representatives.

The committee must report its findings and recommendations to the legislature and the governor by the beginning of the 1987 regular session. The committee terminates on April 1, 1987.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	0

HCR 22

By Representatives Wang, Barrett, Brekke and Jacobsen; by request of Governor's Committee on Employment of the Handicapped

Creating a joint select committee on disability employment and economic participation.

House Committee on Commerce & Labor

BACKGROUND:

A recently released study on the employment of disabled persons, using data from the U.S. Census Bureau, indicated a significant decline between 1970 and 1980 in the number of working age disabled persons compared to the increase in the working age non-disabled population. In addition, the report noted that the unemployment rate among job seekers reporting a disability rose over this period while the unemployment rate declined for non-disabled persons.

SUMMARY:

A joint select committee on disability employment and economic participation is created to analyze the barriers to employment experienced by citizens of disability and to monitor the implementation of recommendations of the committee. Among its responsibilities, the committee will study: (1) disincentives in state and federal programs that deter persons of disability from entering or remaining in the labor force; (2) coordination and participation of state agencies and the business community in training and employment programs; and (3) incentives for achieving full participation by citizens of disability in employment and economic mainstreams.

The committee members will be selected as follows: (1) Three members from each caucus of the Senate and the House of Representatives, with one member from each caucus being a member of the Senate and House Commerce and Labor Committees, and the Senate Human Services and Corrections Committee and the House Social and Health Services Committee; (2) Two members from the Governor's Committee on the Employment of the Handicapped; and (3) Two members from the Developmental Disabilities Planning Council.

The committee will use legislative staff and may request assistance from state agencies. Expenses will be paid jointly by the Senate and House of Representatives. The committee will report its findings and recommendations to the governor and the legislature by the commencement of the 1987 regular session. The committee will cease to exist on April 1, 1987, unless extended by law.

VOTES ON FINAL PASSAGE:

House	94	0
Senate	46	0

HCR 29

By Representatives Sutherland, Vekich, Belcher, Lundquist, S. Wilson and Holland

Directing the Board of Natural Resources to prepare a report on the sales of timber from trust lands to meet the needs of the common school construction account.

BACKGROUND:

When Washington entered the Union in 1889, it was granted over 2.8 million acres of land by the federal government. The land grant provided that certain beneficiaries would receive the income generated by the lands. The common schools comprise the largest beneficiary.

Beneficiaries earn income when the Department of Natural Resources (DNR), the agency managing the granted lands, sells timber. In the early 1980's, timber purchasers returned timber to the state when low demand made the sales unprofitable. The returned timber (one billion seven hundred million board feet) has a value in excess of 200 million dollars, much of it on lands managed for the common schools.

The department does not have a plan to sell all of the returned timber. They raised the annual sales level from 770 to 880 million board feet, but would have to increase it to 1,030 million board feet annually to sell all the returned timber by 1993, the end of the current DNR planning period. Proceeds from timber sales on common school lands go to the common schools construction account. The Superintendent of Public Instruction uses this fund to assist school districts in building and remodelling school facilities. The demand for funds (from districts passing construction levies) exceeds the available revenues by several hundred million dollars.

SUMMARY:

The Board of Natural Resources must prepare a report by August 1, 1986 which evaluates selling additional timber beyond the existing sustainable harvest sales plan. The report will focus on benefits to the common school construction account, and explain and justify the Board's decision relating to the management of the returned one billion seven hundred million board feet of timber.

SB 3018

C 127 L 86

By Senators Gaspard, Zimmerman, McDermott and Conner; by Legislative Budget Committee request

Adopting life-cycle costing in construction design of public facilities.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Life-cycle cost analysis is the consideration of both initial construction costs and operating costs in the design and construction of capital projects. Currently, state policy refers to life-cycle cost analysis only in relation to energy conservation.

SUMMARY:

State policy is established to use life-cycle cost analysis in the design and construction of capital projects to the extent that it is practical, reasonable, and cost effective. Life-cycle costs should be considered by state agencies, school districts, universities and colleges. The Office of Financial Management (OFM), in conjunction with the Department of General Administration, may establish guidelines for the use of life-cycle costing. In its capital budget instructions, OFM must include a discount rate for calculating present value of future costs and the types of projects and building components that are most appropriate for life-cycle cost analysis.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

2SSB 3110

FULL VETO

By Committee on Ways & Means (originally sponsored by Senators Wojahn, Zimmerman, Gaspard, Vognild, Sellar, Thompson, Deccio, Johnson and Conner)

Modifying the business and occupation taxation of the income from amusement devices.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The business and occupation (B&O) tax is imposed on the act or privilege of engaging in business activities in Washington. All income is subject to the tax unless specifically exempted.

Many amusement devices such as coin operated video games, pinball machines, jukeboxes and other similar devices are leased by their owners to store or tavern operators. Normally, the income from these machines is split by agreement between the owner and the store operator. All of the income from the machines is subject to the B&O tax at a rate of 1.5 percent to be paid by the owner. Additionally, the share going to the store operator is again subject to the B&O tax at a rate of 1.5 percent to be paid by the store operator. In effect, some of the income from the machine is taxed twice.

SUMMARY:

The owner of an amusement device may deduct from his/her income the amount paid to the person upon whose premises the device is operated.

Revenue: An exemption from the B&O tax is provided for that portion of income derived from amusement devices that goes to the owner of the premises upon which the devices are operated.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	95	0

FULL VETO: (See VETO MESSAGE)

SSB 3160

C 143 L 86

By Committee on Education (originally sponsored by Senator Warnke)

Providing for school employee suggestion awards.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Currently, the State Productivity Board may award state employees monies for meritorious suggestions that promote efficiency and economy in the performance of state governmental functions. State employees have made a number of suggestions which have resulted in substantial savings. It is suggested that school district performance could benefit from such a program as well.

SUMMARY:

School districts are authorized to establish an employee suggestion program to encourage and reward meritorious suggestions by certificated and classified school employees. The program shall be designed to promote efficiency or economy in the performance of any function of the school district.

The school board of directors shall determine whether an employee suggestion award will be made and shall determine the nature and extent of the award. The savings resulting from an employee suggestion must be greater than the award amount.

Monies awarded to an employee as a part of an employee suggestion program shall not be considered salary or compensation for the purposes of any public retirement system or salary lid compliance and such monies shall not be a regular or supplemental compensation program for all employees.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: August 1, 1986

SSB 3182

PARTIAL VETO

C 317 L 86

By Committee on Ways & Means (originally sponsored by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler)

Allowing reentering public employees to restore withdrawn contributions to retirement system.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The Public Employees' Retirement System (PERS) – Plan I provides for the restoration of service credit for those members who have terminated service, withdrawn their contribution, and then subsequently reentered covered employment. This restoration of withdrawn contributions, with interest, is required to be accomplished within the period it takes to accumulate five years of service after reemployment.

The Teachers' Retirement System (TRS) – Plan I provides for a similar five-year period in which restoration of prior service may occur.

Some employees became aware of this opportunity only after the five-year period had elapsed. The Legislature periodically recognized this situation and specified an open period wherein restoration could take place. The last general open period for restoration was granted in 1973.

In 1953, the University of Washington and the then State Employees' Retirement System (SERS) administratively transferred classified employees from the retirement system of the University of Washington to SERS. Those transferred employees and/or positions were enumerated by the University regents and administrators. The employees affected had until June 30, 1954, to establish service credit within the state system by submitting those funds returned to them by the carrier of the University retirement plan.

There was, however, a waiting period of two years in the original University system during which no retirement coverage was provided to these employees. Correspondence and other documentation from this period indicate that certain revisions in the administrative rules and in interpretation of the original ground rules of this transfer of coverage might have confused employees about rights of restoration for this two-year period.

Actuarial fiscal impact on retirement bills and amendments is currently provided in an informal manner at the request of the respective fiscal committees to the Office of the State Actuary.

Court-approved divorce decrees, separation and property settlement agreements may take into consideration the retirement benefits of the member spouse after May 27, 1979.

If a member retires from public service and then returns to public service, it is required that the retirement allowance be discontinued and the member resume employee contributions. If this is not done, the member is required to pay back that part of the

retirement allowance inappropriately received, as well as the necessary contributions.

Membership in PERS is mandatory for anyone in an eligible position.

SUMMARY:

The Plan I members of PERS and TRS, other than elected officials, who have previously withdrawn their contributions and subsequently reentered membership, but who have failed to restore their prior service, have until June 30, 1987, to restore those withdrawn amounts, together with interest as determined by the Director, Department of Retirement Systems (DRS).

Those currently employed members who failed to recover service earned prior to July 1, 1954, while they were classified employees of the University of Washington, have until June 30, 1987, to do so, including the assigned interest.

The State Actuary is to prepare an actuarial fiscal note for all retirement bills introduced and amendments offered either in committee or on the floor. A majority of the members present, however, may suspend the requirement for floor amendments.

The Director, DRS, is given permissive authority to retroactively suspend administrative action to recover overpayments from retirees who have returned to active service without terminating their retirement allowance. This authority terminates on May 31, 1987.

Payment of a portion of the retirement benefit to a former spouse as a result of a divorce decree or separation agreement and property settlement approved by the court may be taken into consideration either before or on and after May 31, 1979.

City managers or the chief executive officer of a city or town may, either within 30 days of appointment or, if currently employed, prior to December 31, 1986, choose not to be a member of PERS.

A 16-member joint interim committee on retirement is created. The President of the Senate is to appoint four members from each caucus of the Senate, and the Speaker of the House of Representatives is to appoint four members from each caucus of the House to the joint interim committee on retirement.

A severability clause is included.

Appropriation: (a) $2.8 million from the general fund-state, of which $1.2 million is to be deposited in the public employees' retirement fund and $1.6 million is to be deposited in the teachers' retirement fund; (b) $106,000 from the Retirement Systems expense fund

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	96	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: April 4, 1986

PARTIAL VETO SUMMARY:

The $2.8 million appropriation from the general fund was vetoed. (See VETO MESSAGE)

SB 3193

C 207 L 86

By Senators Talmadge, Wojahn, Kreidler, Halsan and Gaspard

Providing for public employees retirement in case of total disability resulting from occupational disease.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Members of the Public Employees' Retirement System (PERS) who were first employed prior to October 1, 1977 (Plan I), can apply for disability retirement only if they become totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, and not due to willful negligence. This must be certified by a medical advisor after a medical examination. The Director, Department of Retirement Systems, must concur with the recommendation of the medical advisor. The claim for disability retirement must be made within two years of incurring the injury.

SUMMARY:

Eligibility for disability retirement in PERS I is extended to those who become totally incapacitated for duty and qualify to receive benefits under industrial insurance as a result of an occupational disease. The Director, Department of Retirement Systems, must concur. The claim for such disability must be made within two years of separation from service. This occupational disease benefit may be modified by the Legislature in the future.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	96	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 3278

C 232 L 86

By Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

Waiving higher education fees for students of foreign nations.

Senate Committee on Education

Senate Committee on Ways & Means

House Committee on Higher Education

BACKGROUND:

In 1945 the Legislature created the first Foreign Student Scholarship Program, which authorized the University of Washington and Washington State College (University) to award up to 50 scholarships (or waivers) to students or graduates of universities or colleges of friendly foreign nations, and exempted such recipients from paying tuition, library, and incidental fees. That law required reciprocal privileges for a similar number of Washington students or graduates studying abroad. In the years since, the program has been revamped several times, most significantly in 1979 when it was expanded to permit the three regional universities and The Evergreen State College each to award up to 20 foreign student waivers.

In 1982 the foreign student program was repealed. Provisions for its continuation were provided within the waiver program that allows each of the four-year schools to award waivers of no more than 4 percent of estimated total collections from tuition, operating, and services and activities fees. A new provision granted explicit authority to each local governing board to award up to 1/4 of its 4 percent waiver program to non-needy students, which could include foreign students.

SUMMARY:

The Legislature intends that, to the greatest extent possible, students selected for foreign student waivers reflect the range of socioeconomic and ethnic characteristics of the students' institutions and native countries.

Boards of regents at the research universities may waive tuition and services and activities fees for no more than the equivalent of 100 full-time undergraduate or graduate students of foreign nations.

Boards of trustees at the regional universities and at The Evergreen State College may waive tuition and services and activities fees for no more than the equivalent of 20 undergraduate or graduate students of foreign nations.

Students on academic exchanges or academic special programs sponsored by recognized international education organizations are given priority. Undergraduate or graduate students of foreign nations who receive waivers under this section are not eligible for any other waivers. Waiver programs shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period. Waivers granted are not subject to the 4 percent limitation.

VOTES ON FINAL PASSAGE:

Senate	40	7	
House	92	4	(House amended)
Senate	39	6	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 3334

C 77 L 86

By Senators McManus, Benitz, Bender, Newhouse, Vognild and Deccio

Authorizing joint purchase agreements for private school bus maintenance.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current law permits school districts to consider the request of private schools to purchase jointly supplies, equipment and services. If a joint purchasing arrangement is agreed to, the private school must pay its

proportionate share of the costs in advance or pay a surety bond to cover its share of such costs.

SUMMARY:

Services which may be purchased jointly by school districts and private schools may include school bus maintenance service.

VOTES ON FINAL PASSAGE:

Senate	48	1
House	89	7

EFFECTIVE: June 11, 1986

SB 3336

C 208 L 86

By Senators Moore, Warnke, Sellar, McManus and Benitz

Authorizing hotels to sell liquor by the bottle to registered guests.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Current law permits establishments with class H licenses, which often include hotels, to sell beer and wine by the bottle and spirituous liquor by the glass for consumption on premises. Patrons of class H establishments may take a recorked bottle of wine off-premise, provided it is purchased for consumption with a meal.

SUMMARY:

Hotels with class H licenses are permitted to sell spirituous liquor by the bottle, provided the patrons are registered guests of the hotel and the liquor is intended for consumption on premises. In addition, registered guests who purchase spirituous liquor by the bottle are permitted to take off-premise any unused portions of liquor in its original container.

VOTES ON FINAL PASSAGE:

Senate	36	11	
House	96	0	(House amended)
Senate	31	13	(Senate concurred)

EFFECTIVE: May 1, 1986

SB 3352

C 180 L 86

By Senators Gaspard, Bauer, Kiskaddon and Patterson

Providing a state clearinghouse for educational information.

Senate Committee on Education

Senate Committee on Ways & Means

House Committee on Education

BACKGROUND:

An increasing amount of research focusing on primary and secondary education is being produced. Presently there is no coordinated system which disseminates this information. Also, innovative and model programs created by some schools and school districts can remain relatively unknown. It is suggested that the creation of a state clearinghouse to facilitate access to this information can aid in the development of more effective programs.

SUMMARY:

The Superintendent of Public Instruction is directed to act as the state clearinghouse for educational information and to maintain a collection of studies, articles, research findings, and other information and materials.

Materials collected are public documents and the Superintendent of Public Instruction is directed to provide copies at nominal cost.

The Superintendent of Public Instruction is required to coordinate dissemination of information with the educational service districts and to publish a monthly newsletter describing current activities and developments in education in the state.

VOTES ON FINAL PASSAGE:

Senate	43	3
House	53	44

EFFECTIVE: June 11, 1986

SB 3397

PARTIAL VETO

C 318 L 86

By Senators Stratton, Vognild, Metcalf and Owen

Revising provisions relating to reimbursements for illegally killed wildlife.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

In 1983 the Legislature determined that illegal taking and possession of certain valuable wildlife was increasing and that the state should be reimbursed for the loss of individual wildlife of specific species. Reimbursement rates were set for moose, antelope, mountain sheep, mountain goat, elk, deer, black bear, cougar, and all endangered wildlife species. Whenever a person is convicted of illegal hunting or possession of certain wildlife, the convicting court, in addition to imposing fines and penalties, is required to order the person to reimburse the state for the wildlife loss.

The Game Department indicates that it is not receiving these reimbursements. This can be attributable to the definition of "convicted." Additionally, the 1984 Court Improvement Act changed some methods by which monies collected by the justice courts are remitted to the State Treasurer. This may affect the future disbursement of these civil penalties.

SUMMARY:

A court may not set bail for possession of certain enumerated wildlife species in any amount less than bail established for hunting during the closed season plus the reimbursement value of the wildlife established in statute.

These penalties apply only to illegal possession of enumerated wildlife, not to illegal hunting.

The monies collected for reimbursement for illegally killed wildlife shall be credited to the state game fund.

VOTES ON FINAL PASSAGE:

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

Free Conference Committee

House	96	0
Senate	42	0

EFFECTIVE: June 30, 1986

PARTIAL VETO SUMMARY:

As a result of the partial veto, the reimbursements are to be directed to the public safety and education fund rather than to the general fund. (See VETO MESSAGE)

SSB 3416

C 128 L 86

By Committee on Financial Institutions (originally sponsored by Senators Moore, Rasmussen, Halsan, Warnke and McDonald)

Providing penalties for persons writing drafts or checks and having insufficient funds.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

When a drawer's check has been dishonored by nonacceptance or nonpayment, the payee or holder of the check is entitled to a reasonable handling fee. If the holder sends notice of dishonor to the drawer, and payment is not made within 15 days after such notice is sent, the drawer is liable for interest and collection costs.

SUMMARY:

In any civil action against a person who writes a check which has been dishonored, or a maker who has no account with the drawer, the payee or holder may recover damages equal to triple the amount of the check but not more than $100.

A person may avoid statutory damages if full payment plus interest, court and service costs are paid prior to the court hearing.

SSB 3416

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	92	4	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 3419

C 233 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and McManus)

Modifying requirements for approval of plats.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Preliminary plats are initially reviewed by a planning commission at a public hearing. The commission makes recommendations to the legislative authority. The legislative authority, after notice and public hearing, is the final arbiter of approval or disapproval.

SUMMARY:

The legislative authority of a county or city may adopt procedural rules and regulations for the administrative review, without a public hearing, of preliminary plats by a planning commission.

Notice of filing of the preliminary plat must be given to those who own land within 300 feet of the proposed plat. Such notice shall contain instructions for requesting a public hearing and for responding to the preliminary plat proposal.

If a request is made for a public hearing, the legislative authority has 21 days to grant or deny the request. If the request is granted, a new notice is given which indicates the hearing date and the process begins anew. If the request is denied, the review process continues, however. An additional 21 days may be added to the review period.

VOTES ON FINAL PASSAGE:

Senate	33	11	
House	88	8	(House amended)
Senate	28	19	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 3453

C 181 L 86

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Hayner)

Identifying the scope of common law liens.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

A common law lien is the right of one person to retain in his or her possession that which belongs to another until certain demands of the person in possession are satisfied. Common law liens pertain exclusively to personal property and usually require possession to remain with the lienor in order to be effective. Particular liens have always been recognized by the courts in favor of persons who by their labor and skill have given additional value to the property in question.

There are a growing number of liens being filed by citizens against public officials and judges when the citizen is dissatisfied with a public official's or judge's decision. These lawsuits are often in the form of common law liens filed against the real property of the public official or judge. The liens create a cloud on the owner's title restricting conveyance of the property.

A federal audit reveals that the Farmers Home Administration (FmHA) is complying with Washington State law in regard to construction contracts financed by FmHA in this state. Recent changes in federal regulations now require FmHA to follow the federal regulations instead of state law.

SUMMARY:

Nonconsensual common law liens against real property are not recognized or enforceable. Nonconsensual common law liens against personal property are not recognized or enforceable, at any time the lien is claimed, if the claimant does not have actual lawfully acquired possession or exclusive control of the property.

A person does not have a duty to accept for filing or recording common law liens, nor does any person have a duty to reject for filing or recording any claim of lien.

A person does not have a duty to disclose an instrument of record or file that attempts to give notice of a common law lien. This does not relieve any person of the duty to disclose a claim of lien authorized by statute or imposed by a court.

A person is not liable for damages arising from a refusal to record or file or a failure to disclose any claim of a common law lien of record.

Contracts on projects funded in whole or in part by the Farmers Home Administration are now subject to the Farmers Home Administration regulations instead of state law.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	95	0	(House amended)
Senate	44	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 3458

C 235 L 86

By Committee on Financial Institutions (originally sponsored by Senator Conner)

Mandating lower insurance rates for persons over 55 who have taken an accident prevention course.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Currently, there is no auto insurance premium discount for drivers of any age who have taken an accident prevention course.

Six states have legislation that grants these premium discounts to senior citizens. Proponents of this bill maintain that the discounts would promote highway safety by giving seniors an incentive to take auto safety courses tailored to the senior's needs.

SUMMARY:

Insurers shall provide persons over age 55 with an auto insurance premium discount for two years after the successful completion of a motor vehicle accident prevention course approved by the Department of Licensing. The course must be offered for a minimum of eight hours. Participants must take the course every two years to continue to be eligible for the premium discount.

Underinsured motorist coverage is exempted from premium discount requirements.

VOTES ON FINAL PASSAGE:

Senate	36	9	
House	91	5	(House amended)
Senate	32	14	(Senate concurred)

EFFECTIVE: June 11, 1986

2SSB 3487

PARTIAL VETO

C 325 L 86

By Committee on Energy & Utilities (originally sponsored by Senators Goltz, Bailey, Williams and Benitz)

Requiring guidelines for state agencies to implement energy conservation procedures.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

In 1980, legislation was enacted which mandated energy audits and implementation of cost-effective energy efficiency measures in state-owned facilities. The energy audits are complete and the Department of General Administration proposed a schedule for implementation of cost-effective measures in each facility. The State Energy Office collects energy consumption and cost data from state agencies. Under current practice, agencies have not been implementing all cost-effective conservation.

SUMMARY:

The Legislature finds that investment in energy conservation can be cost-effective, that the state has an obligation to operate efficiently, that energy audits of state buildings are complete, and that energy conservation can be more readily realized if energy conservation is explicitly considered in the budget process.

The Office of Financial Management is directed to develop policy guidelines for agencies to use in budgeting money for energy conservation measures. The guidelines shall require that agencies budget for cost-

effective conservation or explain why any measures should not be funded. OFM is directed to indicate what cost-effective conservation measures are being funded in each biennial budget and the total cost of those measures not being funded. OFM is directed to consult with the State Energy Office and General Administration and to establish the guidelines by December 31, 1986.

Agencies are to provide the Energy Office with monthly energy consumption data. The Energy Office is to provide OFM with the energy information necessary to develop policy guidelines.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The partial veto eliminates requirements that OFM develop policy guidelines, agencies explain any unbudgeted cost-effective conservation, and that OFM consult with the Energy Office and General Administration. The requirement that OFM indicate the total cost of conservation measures not included in the budget request is eliminated. (See VETO MESSAGE)

SB 3495

C 86 L 86

By Senators Kreidler and Gaspard

Providing for the licensing and regulation of amusement rides.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Washington state established the regulation of amusement rides in 1985. Under the act, amusement ride owners are required to have their rides inspected annually by an insurer, or a person under contract with an insurer. Other individuals, regardless of their qualifications, are not permitted to conduct inspections.

Currently, the act does not provide for reciprocity with other states that have similar levels of regulation.

SUMMARY:

Amusement ride owners are permitted to have rides inspected by individuals who meet the Department of Labor and Industries qualifications.

Reciprocity is provided to amusement ride inspectors and inspections from other states, provided their level of regulation is comparable to that of Washington.

VOTES ON FINAL PASSAGE:

Senate	41	2
House	96	0

EFFECTIVE: June 11, 1986

SSB 3498

C 236 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Vognild and Stratton)

Regulating recreational water contact facilities.

Senate Committee on Commerce & Labor

House Committee on Social & Health Services

BACKGROUND:

In the past few years, recreational water contact facilities such as water slides, wave pools, hot tubs, and spas have become increasingly popular. There is growing public concern over bacterial contamination and the number of serious injuries in such facilities.

Currently, the state does not regulate these facilities in the areas of health and safety.

SUMMARY:

The State Board of Health is authorized to adopt rules under the Administrative Procedure Act setting safety, sanitation, and water quality standards for "recreational water contact facilities." A "recreational water contact facility" includes, but is not limited to, water slides, wave pools, and water amusement lagoons.

Local health officials are required to: (1) develop joint plans of operation with the Secretary of Social and Health Services outlining the duties of the local health jurisdiction and the rules adopted by the State Board

of Health; (2) establish and collect fees sufficient to cover costs incurred in carrying out duties and enforcing rules; and (3) enforce the rules adopted under this chapter. Civil penalties for violations of this act are limited to $500 per day. Injunctions may be granted to prevent continual violations.

A recreational water contact facility advisory committee is established to assist in reviewing and drafting proposed rules regarding the design or operation of any recreational water contact facility. In addition, the advisory committee shall: (1) provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and (2) provide recommendations upon request in the settlement of grievances. The committee is to sunset on June 30, 1990.

Permits are required for the construction, operation, and modification of any recreational water contact facility.

No owner or operator shall operate a facility within the state unless insurance has been purchased in an amount not less than $100,000 against liability for bodily injury to or death of one or more persons in any one accident. The Board may require a recreational water contact facility to purchase insurance in addition to the amount required.

The state and local health jurisdictions shall not be liable: (1) for any injury or damage resulting from noncompliance; and (2) by reason of any act or omission in connection with the implementation of the rules.

VOTES ON FINAL PASSAGE:

Senate	39	7	
House	72	25	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	71	25
Senate	38	3

EFFECTIVE: June 11, 1986

SB 3527

C 144 L 86

By Senators Bender, Bauer, Lee and Gaspard

Revising limitations on the ratio of students to teachers in grades K–3.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current law requires that the ratio of students per classroom teacher in grades kindergarten through 3 in each school district not exceed the ratio of students per classroom teacher in grades 4 through 12 in the district. A statutory proviso allows districts to be considered in compliance if their ratio of students per classroom teacher in grades K–3 is no greater than 25 students per classroom teacher.

SUMMARY:

Each school district's ratio of students per classroom teacher in grades K–3 may not exceed the district's ratio of students per classroom teacher in grades 4–12. The statutory proviso permitting districts to be in compliance if their K–3 ratio of students per classroom teacher does not exceed 25:1 is repealed.

VOTES ON FINAL PASSAGE:

Senate	38	11
House	97	0

EFFECTIVE: June 11, 1986
September 1, 1987 (Section 1)

SSB 3532

C 5 L 86

By Committee on Commerce & Labor (originally sponsored by Senator Moore; by Liquor Control Board request)

Revising provisions relating to liquor licensed premises.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Establishments with class E and F licenses are permitted to sell beer and wine at retail for off-premise consumption. Currently, class E and F licensees are permitted to have employees between the ages of 18 and 21 sell beer and wine. However, employees of this age group are not authorized to stock or handle beer and wine.

SSB 3532

SUMMARY:

Establishments with class E and F licenses are permitted to have their employees between the ages of 18 and 21 stock and handle beer and wine.

VOTES ON FINAL PASSAGE:

Senate	48	1
House	97	0

EFFECTIVE: June 11, 1986

2SSB 3574

C 285 L 86

By Committee on Ways & Means (originally sponsored by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn)

Modifying provisions on leasehold excise taxation.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The leasehold excise tax applies to private lessees who lease or rent publicly-owned property, which is constitutionally exempt from property taxation. The tax rate is 12.84 percent, which is applied against the contract rent.

The leasehold excise tax is in lieu of the personal property tax. The tax rate was chosen at a time when the average property tax levy rate was $19.78 per thousand dollars of assessed value. In 1985, the average levy rate was $11.44 per thousand dollars of assessed value. The leasehold excise tax could exceed what the property tax would be on such property if it were privately owned.

SUMMARY:

A ceiling is set on the amount of leasehold excise tax that is due on leases, other than product leases, entered into after April 1, 1986, or leases where the Department of Revenue has adjusted the lease value subject to tax. This ceiling is equal to what the property tax would have been if the property were privately owned. The leasehold excise tax is either 12.84 percent of the contract rent or 100 percent of the hypothetical property tax, whichever is less.

Besides the Department of Revenue, the lessee of public property may request the county assessor to assess the value of the property.

The leasehold excise tax does not apply to expenditures made pursuant to a lease which requires a) that the improved property be open to the general public and b) that no profit will be earned by the lessee.

"Contract rent" for leasehold excise tax purposes is redefined to include any rents paid by a sublessee. Also, the definition of contract rent is clarified to exclude payments made by the lessee for insurance.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: April 4, 1986

SSB 3590

C 4 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner; by Attorney General request)

Prohibiting private benefit due to public employment.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

In recent years, the Attorney General has encountered several instances of misconduct by executive state officials or employees which were not adequately addressed by current conflict of interest statutes.

Revision of these laws has been requested to prevent similar occurrences in the future.

SUMMARY:

Members and employees of the Gambling Commission are prohibited from: serving as an officer or manager of a corporation or organization which conducts a lottery or gambling activity; receiving or sharing in the gross profits of gambling activities regulated by the Gambling Commission; being beneficially interested in any contract for the manufacture or sale of gambling

devices; or providing independent consulting services connected with gambling activities.

Similar prohibitions are included for the director, deputy and assistant directors of the state lottery and members or employees of the Lottery Commission.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	97	0

EFFECTIVE: June 11, 1986

SB 3636

PARTIAL VETO

C 296 L 86

By Senator Moore

Relating to insurance.

Senate Committee on Financial Institutions

House Committee on Ways & Means

BACKGROUND:

The state levies a premium tax on insurance companies for the privilege of engaging in business in this state. This tax is in lieu of the business and occupation tax. Domestic insurance companies are assessed at a rate of 1.21 percent of premiums received, and the rate for foreign companies is 2.25 percent.

The U.S. Supreme Court in March, 1985 held that the Alabama differential premium tax statute violated the equal protection clause. The court held that Alabama did not present any valid reason for the differential rate. The case was remanded to lower court to determine if there is any legitimate justification for the different tax rates.

In 1985, six states equalized the premium tax rates. In 11 states (including Washington), some companies are paying premium taxes under protest. In Washington in 1984, 26 companies filed for refunds and 75 companies paid tax under protest. Currently, Washington's tax on foreign property and casualty insurance companies ranks 21st (tied) compared with other states.

Presently, the Insurance Commissioner's office is funded by appropriations from the general fund. The Division of Banking and Savings and Loan, on the other hand, are funded from fees collected from the industries they regulate.

SUMMARY:

The insurance premium tax is equalized at 2 percent for both domestic and out of state insurance companies.

The annual cost of operating the Office of the Insurance Commissioner continues to be determined by legislative appropriation. After the appropriations process is completed, a pro rata share of the cost of regulating insurance companies is charged to those companies. A pro rata share of the cost of regulating health care service contractors and health maintenance organizations is charged to those entities.

The fee charged each organization is based on the organization's total receipts for the year. The fee may not exceed 1/8 percent of receipts for any organization, or 5 1/2 cents per capita for health maintenance organizations. The present examination fee for insurers, health care service contractors, and HMOs are repealed.

VOTES ON FINAL PASSAGE:

Senate	36	10
House	97	0

EFFECTIVE: April 4, 1986 (Section 7)
July 1, 1986

PARTIAL VETO SUMMARY:

The section is eliminated which states the purpose for the fees collected from entities regulated by the Insurance Commissioner. The purpose of the fees collected is not solely to increase and improve the staff of the Commissioner. (See VETO MESSAGE)

SSB 3847

C 237 L 86

By Committee on Ways & Means (originally sponsored by Senators McDermott and Patterson)

Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Any retired member of the Teachers' Retirement System (TRS) who enters service in any public educational

institution ceases to receive his or her retirement benefit. The exception to this is that a retired member may teach up to 75 days per school year without reduction in benefit.

A retired member teaching outside of the state is seldom known to be teaching so the application of this restriction cannot be uniformly enforced.

SUMMARY:

The restriction on re-employment in a public teaching position is limited to the State of Washington, and this shall apply to all tier I members of TRS, regardless of the date of their retirement, but shall apply only to benefits payable after the effective date.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 3948

C 179 L 86

By Committee on Transportation (originally sponsored by Senator Peterson)

Extending log truck liens for labor and services on timber and lumber.

Senate Committee on Transportation

House Committee on Trade & Economic Development

BACKGROUND:

Persons providing labor in the harvesting or transportation of timber, or in the manufacturing of logs into lumber and shingles, may place a lien upon the logs or the resulting manufactured building materials for the labor performed. In order to be valid, the lien must be recorded with the county auditor within 30 days of the rendering of services for which payment is sought, and an action must be filed in superior court within eight months for enforcement of the lien.

SUMMARY:

The period for filing a lien on logs or lumber is extended from 30 to 60 days after performing labor or services in connection with the logs or lumber.

Real property and real property improvements in which the person or persons benefitting from the labor or services have an interest, and upon which the activities subject to the lien are performed, are also subject to the lien to the extent necessary to satisfy the debt.

The lien created on real property in section one is codified in Chapter 60.04 RCW rather than Chapter 60.24 RCW.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	96	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 3990

C 304 L 86

By Committee on Financial Institutions (originally sponsored by Senator Moore)

Establishing requirements for specified suits brought by purchasers or sellers of securities.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

The issue is the standard of liability for persons who come under the Washington State Securities Act. The act was passed in 1959, modeled after the federal Securities and Exchange Act. In 1970, the Washington Supreme Court in Shermer held that the standard for actions brought under the act was simple negligence (failure to use ordinary care). In 1977, the court overruled Shermer and held that scienter (guilty knowledge) was required. In 1980, the court returned to the ordinary negligence standard in Shermer. In 1985, the Legislature amended the Securities Act to require scienter if the defendant is the state, a state agency, political subdivision, municipal or quasi-municipal corporation. If the defendant is an underwriter or bond counsel, the Shermer rule remains.

In January, 1986, a federal district court held the 1985 legislation to be prospective only, leaving the Shermer rule (ordinary negligence) as the standard for any actions commenced prior to July 27, 1985.

SUMMARY:

The 1985 legislation requiring scienter (guilty knowledge) in any action under the Washington State Securities Act against the state, state agencies, political subdivisions, municipal or quasi-municipal corporations is both prospective and retroactive.

VOTES ON FINAL PASSAGE:

Senate	30	17
House	80	16

EFFECTIVE: June 11, 1986

SSB 4128

C 118 L 86

By Committee on Human Services & Corrections (originally sponsored by Senator McCaslin; by Corrections Standards Board request)

Revising the authority of the corrections standards board.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

A 1983 law authorized local jurisdictions to establish special detention, minimum security facilities to house offenders convicted of driving while intoxicated (DWI). That law also required the Corrections Standards Board to develop appropriate custodial care standards for these facilities. The Board has completed this requirement, and enabling legislation is needed to include these facilities in the statutory provision defining jails.

Other housekeeping changes in the City and County Jail Act (Chapter 70.48 RCW) are needed to reflect the replacement of the State Jail Commission with the Corrections Standards Board, and the current status and functions of the Board.

SUMMARY:

A special detention facility is included in the definition of jail.

All references to the State Jail Commission are deleted and replaced with references to the Corrections Standards Board.

Payments for medical services for persons eligible for state assistance and who are confined in local correctional facilities are to be made by the Department of Social and Health Services.

Obsolete provisions establishing the State Jail Commission and reimbursing its members and establishing a temporary committee to define the role of state and local governments in operating state and local custodial care facilities are deleted.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	70	5	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	92	0
Senate	47	0

EFFECTIVE: June 11, 1986

SSB 4221

C 87 L 86

By Committee on Ways & Means (originally sponsored by Senator Rinehart)

Funding the state toxicological laboratory.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

In 1933 the Legislature set up the liquor revolving fund which included a distribution scheme. Presently moneys accumulated from class H licenses (liquor by the drink to bona fide hotels, restaurants, clubs, passenger boats and airplanes, and sports, convention, and entertainment centers) are distributed every three months to the University of Washington and Washington State University for medical and biological research. When totals to both institutions reach $1 million, the rest of the collected moneys go to the general fund for use by the Department of Social and Health Services. The lid, stated in monetary figures, restricts flexible allocation of the funds.

In 1981 an amendment stipulated that one-fourth cent per liter of a newly imposed tax go to

Washington State University for wine and grape research.

SUMMARY:

The formula for allocating class H license fees revenue is changed from a dollar formula to a percentage. The revolving fund's current distribution scheme for moneys beyond a $500,000 reserve is changed from a procedure involving a monetary lid ($1 million over and above the reserve) to a disbursement by percentage. The change allots 5.95 percent of the fund to the University of Washington and 3.97 percent to Washington State University, to be used for alcoholism and drug abuse research and for the dissemination thereof. In addition, the changes stipulate 1.75 percent (but no less than $150,000) to the University of Washington for the administration of the State Toxicological Laboratory and 88.33 percent to the general fund for use by DSHS to assist with the recovery and rehabilitation of alcoholics.

Several other features of the liquor revolving fund remain unchanged. The one-fourth cent per liter tax on liquor for Washington State University's wine and grape research programs is retained. The University of Washington Medical School's State Toxicological Laboratory, whose director is appointed by the institution's president with consent of the State Death Investigations Council, is also retained. One change, however, declares that the Toxicological Laboratory is no longer considered within the meaning of medical and biological research. The Lab is to be funded by a percentage (1.75 percent) of class H license fees as stated above.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: July 1, 1987

SSB 4305

PARTIAL VETO

C 322 L 86

By Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Revising provisions governing bail bonds.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Persons charged with a criminal offense may be released upon payment into the court of bail in an amount determined by the court at its discretion. The bail is forfeited by the person if the person fails to appear as a witness or to answer charges on a date designated by the court. However, the court has the discretion to stay a judgment on a forfeiture for 60 days.

Persons granted bail may obtain an appearance bond to be submitted as a promise by a surety to pay bail if the person does not appear at the designated time. The surety usually requires some type of collateral for the bond and a nonrefundable premium. A surety is obligated to pay on a bond until all proceedings are held with respect to the person's case.

Once bail is paid into the court upon a forfeiture, the money is transmitted to the state general fund.

SUMMARY:

The surety on an appearance bond is released from liability when the case against the person is dismissed, deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the bond.

The surety must be notified by the court in writing of a defendant's unexplained failure to appear within thirty days of the date for appearance, or the forfeiture is null and void and the recognizance exonerated. The court may enter a judgment for less than the amount of a bond if recommended by the prosecuting attorney and approved by the court, or approved by the court on its own motion.

The surety recovers the full amount of the forfeited bond, less any costs incurred by law enforcement in returning the person to the court's jurisdiction, if the person is returned to custody or produced in court within twelve months from the forfeiture. In addition, the surety must show that it is directly responsible for 1) producing the person in court, or 2) for apprehension of the person by law enforcement.

The surety on a bond may return a bonded person to custody at any time with a notice of forfeiture or affidavit specifying the reasons for surrender. The surrender must be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	1	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The following is eliminated: The requirement that the surety on an appearance bond be released from liability when the case against the person is dismissed, the case is deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the appearance bond.

Also removed is the provision which allows, in the event of default and forfeiture, the court to enter a judgment for less than the amount of a bond if recommended by the prosecuting attorney and approved by the court, or approved by the court on its own motion. (See VETO MESSAGE)

SSB 4418

PARTIAL VETO

C 316 L 86

By Committee on Agriculture (originally sponsored by Senator Hansen)

Directing the department of agriculture to study agricultural water supply availability.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Concern exists over the continued availability of water for present and future agricultural use. Keeping options open for expanding irrigation to meet growing demand for food in coming decades depends upon the availability of water. A court adjudication of water rights is currently ongoing in the Yakima Valley, which threatens the continued use of water for food production by those who depend on the utilization of water for their livelihood.

SUMMARY:

The Department of Agriculture is directed to organize a committee to conduct a study on water supply availability to meet future agricultural needs. The study is to examine the potential for future irrigation expansion and evaluate alternatives for renewing water rights reserved to maintain future options to expand food production. A review is to be conducted on areas in the state in which both available water and irrigable land exist that have a reasonable potential for food production to meet the growing demand for food in coming decades.

The Department of Agriculture is authorized to receive funds transferred from the Department of Ecology. The Department of Agriculture may pay the per diem and travel expenses to committee members and may expend funds for direct, indirect and contractual purposes to conduct the study.

A preliminary report is to be submitted by the Department of Agriculture to the Governor and the Legislature by January 1, 1987 and the final report submitted on January 1, 1988.

The Department of Ecology is directed to continue to participate with the federal government in studies of the Yakima Enhancement Project and options for future development of the second half of the Columbia Basin Project. The Department is also directed to vigorously represent the state's interest in said studies as it relates to protection of existing water rights and to resolve conflicts over water in basins undergoing a court adjudication of water rights and to propose a means of resolving conflicts.

The Department of Ecology is to work with members of the congressional delegation for federal authorization of elements of the Yakima Enhancement Project which have general public support and acceptable cost-sharing arrangements, meet study objectives and have potential for early implementation. The Department is authorized to expend funds to accomplish the activities required under this section.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	91	5	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: April 4, 1986

PARTIAL VETO SUMMARY:

The date by which the committee established by the Department of Agriculture was to issue its report was vetoed. (See VETO MESSAGE)

SSB 4425

C 182 L 86

By Committee on Agriculture (originally sponsored by Senator Hansen)

Exempting livestock sold for personal consumption from sales and use tax.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

By initiative in 1977, the people of the state removed the sales tax from food products. Included within the definition of food product is "meat and meat products." Recent interpretation has excluded the sale of livestock for custom slaughtering from an exemption from the retail sales tax.

SUMMARY:

Livestock sold for personal consumption is included as "meat or meat product" under the food production exemption in the retail sales tax.

VOTES ON FINAL PASSAGE:

Senate	41	0
House	95	0

EFFECTIVE: June 11, 1986

SB 4443

C 22 L 86

By Senators Rinehart, Pullen, Garrett, Rasmussen and Lee

Providing for ongoing absentee voter status for blind persons.

Senate Committee on Governmental Operations

House Committee on Constitutions, Elections & Ethics

BACKGROUND:

A 1985 statute allowed voters who are disabled or over the age of 65 to continue receiving absentee ballots without having to reapply for each election, a process called "ongoing absentee status." The definition for "disabled" persons was drawn from the statute concerning eligibility for handicapped parking privileges. The disabling conditions in that law do not include blindness.

SUMMARY:

Eligibility for ongoing absentee ballot status is expanded to include blind persons, as defined in the law creating the Department of Services for the Blind.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: June 11, 1986

SB 4446

C 119 L 86

By Senators Thompson, Saling, DeJarnatt, Zimmerman, Garrett, McCaslin, Bailey, McManus and Vognild

Requiring maintenance of fire hydrants.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

The Utilities and Transportation Commission regulates the businesses which supply any utility service or commodity to the public for compensation, including water companies. Although every water company must construct and maintain its facilities to be efficient and safe to its employees and the public, it appears that fire hydrants are not necessarily considered "facilities." In at least one instance, the Utilities and Transportation Commission has waived any obligation for a water company to maintain the fire hydrants in the area served by the water company. Because of lack of maintenance, the customers of this water company feel that their safety is endangered.

SUMMARY:

A city, town or county may require a water company regulated by the Utilities and Transportation Commission to maintain fire hydrants in the area served by the water company. The Utilities and Transportation Commission is prohibited from waiving this obligation.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	96	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4450

C 120 L 86

By Senators Thompson, Rasmussen and Granlund

Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The names of candidates for partisan office, for most judicial offices, and for one statewide nonpartisan office are currently printed on primary absentee and sample ballots or voting machine diagrams in the order that the candidates filed for office, under the appropriate office headings.

There are no statutory provisions governing the mailing of declarations of candidacy to county auditors or the Secretary of State.

SUMMARY:

The officer with whom declarations of candidacy are filed is directed to determine by lot the order in which the names will appear on primary absentee and sample ballots or voting machine diagrams, under the appropriate office heading.

Any candidate is allowed to mail his/her declaration of candidacy to the filing officer. Should the declaration be received by the filing officer before the tenth business day immediately preceding the first filing day, the declaration must be returned with notice that the declaration was received too early to be processed. The candidate then has an opportunity to resubmit the declaration.

Declarations of candidacy received by mail on or after the tenth business day immediately preceding the first filing day, and before the end of the last filing day, are to be included with the in-person filings made during the filing period in the determination by lot of the order of names.

Declarations of candidacy received after the last filing date must be returned to the candidate attempting to file.

VOTES ON FINAL PASSAGE:

Senate	39	7	
House	84	7	(House amended)
Senate	34	11	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4452

C 158 L 86

By Senators McDermott, Zimmerman, Gaspard, Barr, Rasmussen and Conner; by request of Legislative Budget Committee

Modifying LBC oversight assignments.

Senate Committee on Ways & Means

House Committee on State Government

BACKGROUND:

Over a period of some 17 years, the Legislature has assigned a number of specific oversight functions to the Legislative Budget Committee (LBC), in addition to the general and specific statutory assignments. During the 1985 interim, LBC reviewed a list of the additional oversight and miscellaneous assignments as to current legislative worth relative to their costs in terms of demands on the limited resources of LBC. As a result of this review, LBC has elected to recommend repeal of certain current responsibilities.

SUMMARY:

The LBC is to be relieved of certain statutory responsibilities among which are: various salary survey plans; utilization of confidential license plates; various agency reports; management audits of the Washington Public Power Supply System (WPPSS); state agency utilization of "emergency" purchasing authority; WPPSS purchasing by means other than sealed bids; fiscal and other impact notes; and delays in starts and completions of capital projects.

VOTES ON FINAL PASSAGE:

Senate	42	0
House	85	12

EFFECTIVE: June 11, 1986

SSB 4455

C 129 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Conner and Granlund)

Authorizing organ donation advisement procedures in state hospitals.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Uniform Anatomical Gift Act authorizes organ and tissue donations. An individual may make such a gift by signing an "organ donor" card or other written statement witnessed by two or more persons.

Hospitals are not required to advise potential donors or their families of the option to donate.

The demand for organs and tissue currently exceeds the supply.

SUMMARY:

A new section is added to the Uniform Anatomical Gift Act requiring hospitals to develop procedures to advise potential donors, their next of kin or other person responsible for the remains, of their option to donate organs and tissue.

If a donation is made, the hospital must notify an eligible donee, such as an established eye bank, tissue bank, or organ procurement agency, and cooperate in the procurement process. The procedures must encourage reasonable sensitivity and discretion and may take into account the deceased's religious or moral beliefs or obvious nonsuitability for organ and tissue donation.

Hospitals are absolved from civil liability, other than for gross negligence or wilful or wanton conduct, in the development and implementation of the assured donation procedures.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4456

C 6 L 86

By Senators Rasmussen, Warnke and Conner

Removing the age requirement for veterans' disability passes to state parks.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

Presently, disabled veterans over the age of 62 may obtain a free state parks pass. Many people believe that a disabled veteran of any age should receive a free state parks pass.

SUMMARY:

Any resident of Washington who is a veteran and has a service-connected disability of at least 30 percent shall be entitled to receive a lifetime veteran's disability state parks admittance pass at no cost to the holder. The requirement that the veteran be at least 62 years of age has been removed.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	94	0

EFFECTIVE: June 11, 1986

SSB 4458

C 238 L 86

By Committee on Ways & Means (originally sponsored by Senators Thompson, McDonald and Zimmerman)

Modifying provisions on forest land taxations.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Land classified or designated as forest land is subject to the annual property tax; timber growing on such land is exempt from the property tax but is subject to

the timber excise tax. The value of the land is set by a formula provided in state law based on current use. Forest lands are those lands devoted to and used for growing and harvesting timber.

With three exceptions, land removed from the classification of forest land is subject to a compensating tax. The amount of compensating tax is equal to the difference between the amount of tax last levied and the amount that would have been levied if the land were not classified as forest land, multiplied by the number of years the land was classified as forest land, not to exceed ten years.

Forest land donated or sold to a government agency or a nonprofit nature conservancy corporation for the purpose of preserving the land is subject to the compensating tax.

SUMMARY:

The donation of development rights on forest land to a government or nature conservancy organization for the purpose of preserving or limiting the future use of the land is exempted from the compensating tax. The sale or transfer of forest land recommended for natural area preserve purposes by the Natural Heritage Council to a governmental entity or nonprofit nature conservancy corporation for conservation purposes is exempted from the compensating tax. If the land is later used for any other purpose, then the compensating tax is due from the current owner.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: April 3, 1986

SB 4463

C 183 L 86

By Senator Bailey

Encouraging the promotion of Washington products.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

A number of businesses located within the state are seeking to expand their markets. State government can assist in the development and expansion of markets for Washington products.

SUMMARY:

The Department of Trade and Economic Development is charged with the responsibility of finding a way to stimulate and expand the market for Washington products.

The Department shall develop and distribute statewide a pamphlet listing Washington products.

The Department of Trade and Economic Development is directed to cooperate and coordinate its efforts with other government agencies and the private sector.

The Department is also directed to conduct a study of the most efficient methods of coordinating trade services and information, and to use up to $50,000 from the state trade fair fund for this purpose.

Appropriation: $10,000

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	98	0
Senate	46	1

EFFECTIVE: June 11, 1986

SSB 4465

C 209 L 86

By Committee on Judiciary (originally sponsored by Senators Fleming and Talmadge)

Modifying provisions relative to use of deadly force.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

There are an increasing number of reports of possible abuses concerning the use of deadly force by law enforcement officers. Washington follows the common law approach, which allows an officer to use deadly force when a felon either flees or forcibly resists arrest,

if the officer reasonably believes that a felony is committed and that such force is necessary to make the arrest.

Many states modify the common law approach to place more restrictions on the use of deadly force by law enforcement officers. In addition, a recent United States Supreme Court case ruled that the use of deadly force under the common law approach may be unconstitutional in certain circumstances.

SUMMARY:

Definitions are provided for "deadly force," and "threat of serious physical harm."

Deadly force may be used by law enforcement officers when necessary to arrest or apprehend a person who the officer reasonably believes is involved in the commission or attempted commission of a felony.

Deadly force may also be used in certain instances with respect to preventing escape from correctional or holding facilities, or suppressing a riot.

In considering whether to use deadly force, the officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or others. In addition, the officer is required to give some warning if feasible.

A dual standard is established with respect to the use of deadly force by peace officers and private citizens. A private citizen's permissible use of deadly force is not restricted and remains broader than the permissible use by a peace officer.

VOTES ON FINAL PASSAGE:

Senate	40	7	
House	95	0	(House amended)
Senate	46	2	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4470

C 239 L 86

By Senators Thompson, Saling, Rasmussen and Zimmerman

Prohibiting use of public facilities to influence initiatives to the legislature.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The campaign practices provisions of the Public Disclosure Law prohibit elected officials and public employees from using or authorizing the use of any facilities of a public office in any candidate's election or to influence any ballot proposition. However, the Public Disclosure Commission has officially interpreted initiatives to the Legislature as being "legislation" until the legislative session at which they can be considered has ended. It is only at that point that they become "ballot propositions." The Legislature's options are to act favorably on such a proposal, not to act at all, or to pass an alternative, which will also be placed on the ballot with the original.

Under this interpretation, the Commission considers activity to influence the outcome of an initiative to the Legislature as "lobbying." The limits on state agency lobbying prohibit gifts or contributions to campaigns for elected office, but do not speak to ballot propositions.

SUMMARY:

Elected or appointive officials and their employees are prohibited from using or authorizing the use of public facilities in any effort to support or oppose an initiative to the Legislature. Activities exempted from the prohibition include action taken at an open public meeting by members of an elected legislative body, a statement by an elected official at an open press conference or in response to a specific inquiry, and activities which are part of normal and regular conduct of the official or agency.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4479

C 309 L 86

By Committee on Ways & Means (originally sponsored by Senators McManus and Moore)

Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds.

Senate Committee on Ways & Means

House Committee on Trade & Economic Development

BACKGROUND:

Public nonprofit radio and television companies complement private broadcasting companies in providing additional program diversity for the utilization of Washington citizens.

The interest rates on projects funded with industrial development bonds are lower because of favorable tax treatment.

SUMMARY:

Public broadcasting equipment is included in the list of projects eligible for industrial development bonds.

VOTES ON FINAL PASSAGE:

Senate	36	7	
House	64	32	(House amended)
Senate	37	9	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4481

C 145 L 86

By Senators Talmadge, Newhouse, Metcalf, Halsan, Gaspard, Granlund, Bluechel, Garrett and Lee

Modifying provisions detailing reporting of abuse or neglect of children or adult dependents.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Current law provides that certain persons, including school personnel, if they have reasonable cause to believe that a child has suffered abuse or neglect, must report such abuse or neglect to the proper law enforcement agency or the Department of Social and Health Services. No procedure now exists for the Department to consult on an ongoing basis with persons or agencies required to make such reports. Allowing the Department to consult with school personnel would give the Department access to objective information regarding a child's emotional and physical condition and school personnel access to information regarding a child's home situation which could be used to help school personnel recognize and understand that child's special needs.

SUMMARY:

The Department may consult on an ongoing basis with persons and agencies required to report child abuse and with designated representatives of Washington Indian tribes if the information exchanged is pertinent to cases currently receiving child protective services or developmentally disabled case services. Upon request, the Department shall conduct such consultation with those required to report child abuse if the Department determines it is in the best interest of the child.

Persons or agencies exchanging such information may not further release it, except as authorized by state or federal law. Violation of this section is a misdemeanor.

Information which is privileged by statute and not directly related to reports required in this section shall not be divulged without a valid written waiver of the privilege.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	96	1	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4486

PARTIAL VETO

C 278 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Authorizing county legislative authorities to designate certain violations as civil.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Penalties for Violation of Local Codes. Counties, cities and towns are authorized to adopt police and sanitary regulations, including building, plumbing, electrical wiring and health codes. Violations of local codes are punishable as gross misdemeanors. Any person convicted of a gross misdemeanor may be sentenced to not more than one year in jail and/or a fine of up to $5,000. Since a misdemeanor is a crime, the Washington Supreme Court has ruled that anyone charged with a misdemeanor is entitled to a jury trial

and, if necessary, a court-appointed attorney. It has been suggested that local governments should have the option of designating violations of codes as civil violations to ease court congestion in criminal cases, and to reduce the costs of enforcement.

Authority of Counties to Purchase Land. Counties are currently authorized to "purchase and hold lands within their own limits" by RCW 36.01.010. Unlike other local governments, a county is thus prohibited from purchasing land outside its jurisdiction.

Revision of Special District Procedures. Various types of special districts can be created to provide diking, drainage and flood control improvements. These special districts are characterized by: (1) voting rights restricted to property owners; and (2) facilities and activities funded by the imposition of special assessments. Most of the statutes relating to these special districts were enacted in the 1890's and early 1900's. The laws provide for varying procedures. A process to modernize and standardize the applicable statutes was initiated in 1985 with the enactment of procedures that were codified in RCW Chapter 85.38.

Publication of LID Notices. With regard to Local Improvement District (LID) notices, the law formerly required publication five times in a daily newspaper or twice in a weekly newspaper. In 1985, statutes were amended to require simply five publications. For those cities using a weekly newspaper, it now requires over seven weeks lead time to conduct an LID hearing (including the requirement that the final publication must be 15 days prior to the hearing). Because LID petitions are frequently not circulated until the construction season has started, a project could be delayed for a year due to the loss of good weather.

Local Emergency Management. State law establishes a department of emergency management and requires this department to prepare a comprehensive, all-hazard emergency plan and programs for the state. Every county, city and town in the state is required to establish a local organization for emergency management in accordance with the state emergency management plan and program, including the preparation of a local plan and program. The state may authorize two or more counties, cities and towns to have a joint program. Fire protection districts would like to be included in joint programs.

Special Districts Bid Limitations. Of those special districts that provide diking, drainage, and flood control facilities and services (governed by Chapter 85.38 RCW), only flood control districts are subject to a statutory bid limit for the construction of improvements or for contracts for labor or materials. Examinations by the Office of State Auditor have revealed some strongly questionable practices by other districts which can be substantially remedied by a statutory bid limit.

Lake Improvement and Maintenance. In 1985, cities and counties were authorized to create lake management districts to finance lake improvement and maintenance activities. These activities include the control or removal of aquatic plants, the control of water levels, streamwater diversion and treatment, and the studying of lake water quality problems. A number of eutrophic (nutrient rich, oxygen poor) lakes are contained within the boundaries of flood control districts. Some flood control districts wish to "save" these lakes. Presently, flood control districts possess some, but not all, of the lake improvement powers possessed by lake management districts.

Storm Water Control Assessment. Counties, cities, towns, sewer districts and flood control zone districts are authorized to provide storm water control facilities, and to impose rates and charges to fund those facilities. In 1983, legislation was enacted to clarify that public property, including that owned by the state, is subject to the charges imposed for storm water control facilities. The 1983 legislation also required that credit be given for the value of storm water control facilities or improvements that a person or entity has installed to mitigate the impact of storm water.

The Department of Transportation provides and maintains storm water control facilities on highway rights-of-way. There is a dispute over the correct method to assess state highway right-of-way for storm water control.

Collection of Delinquent Assessments. Existing statutes provide a procedure by which delinquent property taxes are collected, involving the foreclosure of a lien on property subject to taxes that are delinquent for three years. This procedure involves the issuance of a certificate of delinquency. Delinquent special assessments (for a Local Improvement District, for example) must currently be satisfied in a separate proceeding. It has been suggested that unpaid special assessments should be included in a certificate of delinquency, thus enabling all unpaid taxes to be collected in one proceeding.

SUMMARY:

Penalties for Violation of Local Codes. Counties, cities and towns are granted the option to designate violations of local codes as civil violations subject to a monetary penalty.

Authority of Counties to Purchase Land. A county is permitted to purchase and hold land outside of its jurisdiction.

Revision of Special District Procedures. The laws for various special districts that provide diking, drainage or flood control improvements are altered to provide uniform provisions concerning: (1) issuance of bonds; (2) annexation of contiguous territory; (3) consolidation of districts; and (4) suspension of district operations.

Special districts that own flood control or drainage improvements may be dissolved only if the county legislative authority accepts responsibility for operation and maintenance of the improvements.

The authority of the state, as a property owner, to vote in district elections is restricted to votes on incorporation and annexation.

The special district may not impose special assessments on annexed territory using old methods of assessment measurement. It may only use the new method of calculation provided for in legislation enacted in 1985 (RCW 85.38.140-.160).

Compensation for diking or drainage district directors may not exceed $25 for attending a district meeting, or $25 per day for district work.

Publication of LID Notices. The publication notice for Local Improvement Districts is decreased from at least five times in the official newspaper of the city or town to at least once a week for two consecutive weeks in the official newspaper of the city or town.

Expansion of Local Emergency Management. Fire protection districts are authorized to cooperate and participate with counties, cities and towns in providing hazardous materials response teams as part of the local emergency management program. The participation and cooperation shall be done pursuant to an interlocal agreement or contract.

Special Districts Bid Limitations. The statutory bid limit for flood control districts is repealed and is replaced with similar language which will apply to all special districts governed by Chapter 85.38 RCW. The bid limit for labor, materials or equipment is $10,000. The bid limit for a public improvement is $5,000. Provision is made for volunteer projects and emergencies.

Lake Improvement and Maintenance. In addition to existing powers, flood control districts may engage in the same lake management activities as lake management districts.

Storm Water Control Assessment. In the case of state highway right-of-way, the rate charged to the Department of Transportation by local units of government for construction, operation and maintenance of storm water control facilities is 30 percent of the rate charged to comparable real property within the storm water utility district. The rate cannot exceed the rate charged for comparable city, street or county road right-of-way within the utility district. The 30 percent rate is payable from the motor vehicle fund.

The Department and the local utility may agree to either a higher or lower rate, based on the extent and adequacy of facilities provided by the Department and upon the actual benefit to the right-of-way. The Legislative Transportation Committee (LTC) must be notified of any such different rate. If a rate cannot be agreed upon, either party may, 90 days after notification to the LTC, commence an action in the superior court of the county in which the right-of-way is located. Provisions are made to guide the court's action.

The requirement that a local government give credit for any storm water control facilities constructed by others is made permissive. In establishing rates and charges, the local government may give consideration for "in-kind" services such as stream improvements or donations of property.

Collection of Delinquent Assessments. The county treasurer may include unpaid special assessments in a certificate of delinquency that is issued after three years of nonpayment of property taxes.

The requirement that a title search to determine the legal owner of property (in order to notify the owner of the pending foreclosure sale to satisfy delinquent taxes) is altered to delete a provision requiring that the search be conducted at least 30 days prior to the foreclosure. This provision conflicted with case law, which requires notice of a foreclosure at least 60 days prior to the sale.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	96	0	
Senate	37	3	

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The repeal of an existing statute is vetoed because section 36 of the bill amended the same statute. (See VETO MESSAGE)

SB 4490

C 117 L 86

By Senators Talmadge, Halsan and Newhouse

Revising the business corporations act.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Chapter 290, Laws of 1985, provides that a corporate transaction in which a director or officer has a direct or indirect interest can be approved by a majority vote of disinterested directors. This section could be interpreted to preclude all transactions between a sole shareholder–director of a corporation and the corporation.

It has been recommended that a number of substantive changes be made to the Business Corporations Act to modernize and simplify it.

SUMMARY:

Public company is defined as a corporation that has a class of shares registered with the Federal Securities and Exchange Commission and has more than 300 shareholders. The articles of incorporation of a public company can restrict the shareholders' right to call special meetings. The vote required to amend the articles of incorporation of a public company is reduced from two–thirds to a majority.

A number of substantive changes have been made, including (1) increasing certain corporate notice periods in accordance with the Revised Model Business Corporations Act, (2) allowing corporate articles to provide that directors can be removed only for cause, and (3) permitting board of director committees to declare dividends, authorize share issuances, and fix the rights and preferences of preferred classes of shares.

Minor changes deleting erroneous, duplicative, and superfluous language and making the act internally consistent have been made.

All changes shall take effect immediately.

Section 7, Chapter 290, Laws of 1985, is repealed.

VOTES ON FINAL PASSAGE:

Senate	48	1
House	96	0

EFFECTIVE: March 22, 1986

SSB 4491

C 240 L 86

By Committee on Judiciary (originally sponsored by Senators Newhouse, Halsan and Talmadge)

Changing provisions relative to nonprofit corporations.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Washington nonprofit corporations can incorporate under the Washington Nonprofit Corporations Act. Since 1967, the Washington Business Corporations Act has been substantially revised, but the Nonprofit Corporations Act has not been updated to any significant degree.

SUMMARY:

To make the Nonprofit Corporations Act clearer and more comprehensive, nonprofit corporations are specifically authorized to make guarantees regarding contracts, securities, and other obligations, to establish pension plans and pension trusts, to be a member of any partnership, joint venture, or trust, and to be a trustee of a charitable trust. The standard of care

required of directors of nonprofit corporations is clarified as that care an ordinarily prudent person would use under similar circumstances.

To make the Nonprofit Corporations Act consistent with the Business Corporations Act, conference call meetings, mortgaging of the corporation's assets upon board authority, and prospective filing dates are allowed. Indemnification of officers and directors may be made as currently allowed under the Business Corporations Act.

Filing procedures involving the Secretary of State are revised and simplified.

Erroneous references have been corrected and clarifying language has been added.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4497

C 241 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Bottiger, Peterson, Vognild, Rasmussen, Granlund, Talmadge, Wojahn and Moore)

Regulating vehicle dealers.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The state regulates and licenses vehicle dealers to protect the general public. A number of people, however, display, list, and buy and sell vehicles on an ongoing basis without registering as vehicle dealers. A consumer who purchases a defective vehicle from an unlicensed dealer is largely unprotected because the consumer may not be able to locate the unlicensed dealer after the sale has been made, or may believe that because this was only an isolated sale by an individual that there is no remedy available. The state also is not able to collect business and occupation taxes or excise taxes from unlicensed vehicle dealers. If more stringent requirements pertaining to a vehicle dealer's place of doing business are adopted, it may be easier for the Department of Licensing to enforce its regulatory provisions.

Vehicle sales personnel are currently licensed. It is unlikely that the individual sales personnel will be subject to court actions and it is also difficult for the Department of Licensing to monitor the licenses for these personnel. If vehicle dealers are made responsible for their sales personnel, the licensing of sales personnel could be eliminated.

It is suggested that if the annual fees for dealer licenses are increased and the funds used for enforcement, the amount of surety bonds for dealers increased, and the penalties for violations of vehicle sales provisions strengthened, then the general public would be better protected.

SUMMARY:

Vehicle dealers must have an established place of business. The established place of business must display a clearly visible exterior sign indicating the name and nature of the business. A permanent, enclosed commercial building is required for an established place of business. All books, records, and files necessary to conduct the business must be contained in this building.

If a dealer maintains a place of business at more than one location or under more than one name in the state, then one location must be designated as the principle place of business and one name as the principle name of the firm. All other locations or names must be designated as subagencies. A subagency must meet all requirements of an established place of business and a subagency license is required. The Department of Licensing may waive the requirement for a subagency license when a new motor vehicle dealer is unable to locate a used vehicle sales facilities adjacent to or at the established place of business.

Vehicle dealers must maintain a bond for each business location in the state and for all temporary subagencies. Wholesale dealers are not required to file a surety bond with the Department of Licensing.

All vehicle dealers must maintain ownership or leasehold of the real property on which they do business.

Every application for a vehicle dealer must include, among other information, a certificate stating that each principle place of business and each subagency meets the location requirements, proof that the applicant owns or leases the real property where the principle place of business is located, and a business telephone number listed in the local directory.

It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. Any person or firm who offers for sale five or more vehicles in a 12-month period, or otherwise engages in vehicle dealer activity must register as a vehicle dealer.

Failure to register as a vehicle dealer when required constitutes a gross misdemeanor. Persons or firms that are not in the business of buying and selling motor vehicles are not required to register as vehicle dealers. Financial institutions and operators of construction equipment are exempt from the definition of a vehicle dealer. A second violation is a class C felony. Any violation of the vehicle dealer license provisions is also a violation of the Consumer Protection Act. The Department of Licensing, the Washington State Patrol, the Attorney General's Office, and the Department of Revenue are directed to cooperate in the enforcement of the vehicle dealer provisions.

Each vehicle dealer is accountable for the dealer's sales personnel and other employees while in the performance of their official duties. Vehicle sales personnel are no longer subject to licensing. The Director of the Department of Licensing may deny, revoke, or suspend a vehicle dealer's license if the dealer knowingly, or with reason to know, allows a salesperson to commit prohibited practices.

The annual fees for original licenses and for license renewals for dealers and manufacturers are increased as follows:

The current $60 fee for a dealer's principal place of business is increased to $250, effective July 1, 1986, and then to $500 July 1, 1987.

The current $10 vehicle subagency fee is increased to $25, effective July 1, 1986, and then to $50 effective July 1, 1987.

The current $60 vehicle manufacturers' fee is increased to $250, effective July 1, 1986, and then to $500, effective July 1, 1987.

License renewal increases are from the current $50 to $125, July 1, 1986, then $250 July 1, 1987, for dealers' principal place of business and for renewal of vehicle manufacturers' license.

The Department of Licensing is directed to develop a specific plan for the implementation of this program. The plan must include an evaluation of the feasibility of basing the annual license fee schedule on a volume basis rather than on a flat rate. At least five license fee categories must be considered. The findings must be reported to the Legislative Transportation Committee by December 15, 1986.

The Director of the Department of Licensing is authorized to issue cease and desist orders if it appears that a person has engaged in or is about to engage in prohibited act.

Offenses pertaining to odometers are punishable as a class C felony.

Appropriation: $375,000 is appropriated from the motor vehicle fund for the biennium ending June 30, 1987.

VOTES ON FINAL PASSAGE:

Senate	35	11	
House	93	3	(House amended)
Senate	29	14	(Senate concurred)

EFFECTIVE: April 3, 1986
July 1, 1986 (Section 9)
July 1, 1987 (Section 10)

SSB 4503

C 211 L 86

By Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Revising provisions on the taxation of mobile homes, travel trailers, and campers.

Senate Committee on Commerce & Labor

House Committee on Ways & Means

BACKGROUND:

Currently, the Excise Tax on Real Estate Act defines "used mobile home" as a mobile home that has been previously sold at retail and the immediately preceding sale has been subject to retail or use tax. Under a strict interpretation, every second sale of a used mobile home would not meet this definition as the immediately preceding sale would not have been subject to retail or use tax.

In general, used mobile homes are exempt from taxation under the retail and use tax. In addition, the renting or leasing of mobile homes for periods of time greater than 30 days are exempt from sales or use taxes.

Mobile homes, travel trailers or campers that are a part of a dealer's inventory are not subject to property tax.

At the time of removal from its original site, all due or delinquent taxes are required to be paid. However, due to present taxing practices in which property taxes are levied one year prior to their due date, dealers have become liable for previously levied taxes.

SUMMARY:

A used mobile home is redefined as a mobile home which has been previously subject to retail or use tax, and at time of sale has substantially lost its identity as a mobile unit.

The use tax exemption for mobile homes that are rented or leased for periods of time in excess of 30 days is clarified.

All levied and delinquent property taxes on a mobile home are required to be paid prior to removal from its location and entering a dealer's inventory.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4506

PARTIAL VETO

C 273 L 86

By Senator Wojahn

Repealing sunset provisions for state board of health.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Board of Health is constitutionally mandated in Article XX of the State Constitution. A sunset on the Board of Health creates the risk that the Board of Health would be dissolved through sunset review. If the Board of Health dissolved, the state would be violating its own constitution.

SUMMARY:

The Office of Financial Management shall study the issue of consolidating existing public health and environmental health services into a single state agency and report the study results to appropriate legislative committees by December 1, 1986.

The sunset on the State Board of Health is repealed.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	96	1	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Section 1 was vetoed. This section required the Office of Financial Management to conduct a study of the feasibility of consolidating public health and environmental health services into a single state agency. (See VETO MESSAGE)

SB 4512

C 15 L 86

By Senators Peterson, Conner and Patterson; by request of Department of Licensing

Allowing identicards to expire on the holder's birthdate.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Most driver-related licenses issued by the Department of Licensing expire on the fifth anniversary of the licensee's birthdate. One exception is the identicard which expires on the fifth anniversary of issue.

SUMMARY:

An identicard issued by the Department of Licensing shall expire on the fifth anniversary of the applicant's birthdate after issue.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4519

C 3 L 86

By Committee on Ways & Means (originally sponsored by Senators McDermott and Bottiger; by request of Governor)

Adopting provisions on water quality.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The subject of water quality has come to the forefront as problems with the ground waters and surface waters of the state became more evident. Legislatively, bills were introduced in the 1985 session to address these problems. Among these were HB 232, HB 814, SB 3827 and SB 3828. HB 232 (Chapter 453, Laws of 1985) directed the Department of Ecology (DOE) to establish rules on designating ground water management areas and directed local governments to establish ground water management programs. HB 814 (Chapter 417, Laws of 1985) provided authority for the creation of shellfish protection districts to deal with certain pollution problems in Puget Sound. SB 3828 (Chapter 451, Laws of 1985) established the Puget Sound Water Quality Authority (PSWQA). The major aspect of this act was the direction to the Authority to prepare and adopt a management plan for the Puget Sound region and to periodically prepare a "State of the Sound" report.

The unsuccessful bill was SB 3827, which provided the bond authority for waste water facilities, including secondary treatment facilities in the Puget Sound region. Agreement could not be obtained between the House and Senate as to the method of financing the bonded indebtedness.

Independently of legislative action, the County of Spokane held an election to tax certain of its citizens to provide funds for adequate water treatment facilities to protect its endangered sole source aquifer. This election was successful by a large margin.

Finally, the Environmental Protection Agency (EPA) continues to exert extreme pressure on communities to provide secondary treatment for its waste waters. Although federal law permissively allows waiver for out-falls in certain marine waters, such waivers are essentially non-existent, particularly in this federal region. The Clean Water Act, currently under Congressional consideration for reenactment, is expected to exclude the ability to waive treatment facilities into marine estuaries such as Puget Sound.

SUMMARY:

The Water Quality Account is established within the general fund to be administered by the Department of Ecology (DOE) subject to legislative appropriation. Funds may be used only for a study by the Office of Financial Management (OFM), an evaluation by DOE, and for carrying out the legislative directives which will result from the study and evaluation.

Appropriations from Referendum 39 funds are made for (a) groundwater management area planning ($1.5 million); (b) nonpoint pollution activities and planning ($500,000); (c) aquifer protection area pollution activities and planning ($4.0 million), except these funds are not to exceed the area's pledged local revenue; (d) purchase of organic chemical analysis laboratory equipment for drinking and nondrinking water to be jointly used by DOE and the Department of Social and Health Services ($500,000); and (e) 50 percent matching funds for water pollution control facilities planning and design ($13.5 million). In the groundwater management area plan and nonpoint pollution activities for conservation districts, assistance is not to exceed 75 percent of the estimated cost. For the remaining nonpoint pollution activities and for water pollution control facilities, the assistance is not to exceed 50 percent of the estimated need.

Appropriations are made from the Water Quality Account for a study to be done by OFM ($150,000) and an evaluation by the DOE ($250,000). The study and evaluation are to be reported to the Legislature by January 1, 1987, the same time as the PSWQA report.

No loan or grant resulting from the Referendum 39 appropriation is to be construed as establishing any future precedent for loans or grants.

OFM is directed to prepare a plan, in concert with other governmental agencies, providing various fiscal information: recommendations regarding a revolving loan fund, criteria for equitable fund distribution based on current and future household sewage rates, an assessment of the future capital funding ability of local governmental entities, state and local debt service agreements, and an assessment of and recommendations for state and local water quality management and coordination.

DOE is directed to conduct an evaluation of that geographic area of the state not included in the report required of PSWQA. This evaluation is to include a

needs assessment of future water quality protection for public bodies, including ground water protection planning, needs of conservation districts, control of nonpoint pollution, shellfish protection, lake restoration and any revision or establishment of industrial discharge standards, and the present adequacy of monitoring and laboratory capabilities for statewide water quality protection programs. The evaluation is to incorporate timetables and reviews specified by laws enacted in 1985, as well as specify criteria for establishing priorities among the needs outlined above, key problem areas, and the constraints impeding progress.

DOE may provide for a phased-in compliance schedule which addresses local factors that may impede compliance with federal secondary treatment requirements. DOE is to take into consideration the criteria specified in the federal Clean Water Act when determining the length of time to be granted for compliance.

For the period July 1, 1987, until June 30, 1995, DOE shall distribute the overall funds within the Water Quality Account according to the following distribution of maximum levels: (a) 50 percent for water pollution control facilities which discharge directly into marine waters; (b) 20 percent for sole source aquifer water pollution control activities; (c) 10 percent for protection of freshwater lakes and rivers; (d) 10 percent for nonpoint pollution activities; (e) 10 percent and such sums as may be remaining from projects covered in (a) through (d) may be used as determined by DOE; and (f) 2.5 percent of the total amounts of money under the projects provided for in (a) through (e) are to be transferred by DOE to the State Conservation Commission. The distribution is not required to be met in any single fiscal year.

Criteria for consideration of making grants or loans is provided: (a) water quality protection and public health; (b) cost to the residential ratepayer; (c) required governmental actions; (d) level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities; (e) previous efforts to mitigate nonpoint pollution; and (f) the recommendations of the Puget Sound Water Quality Authority, or a legislatively appointed group.

During the period ending June 30, 1989, the Water Quality Account is guaranteed a fiscal year total deposit of $40 million. If this total is not achieved from the revenues from the cigarette and tobacco products taxes and the sales tax recapture, the Treasurer shall transfer the necessary funds from the general fund. After June 30, 1989, the guaranteed amount is $45 million.

Appropriation: $20 million from State and Local Improvement Revolving Account--Waste Disposal Facilities--1980 (Ref. 39) for the Department of Ecology; and

$400,000 from the Water Quality Account, $150,000 of which is for the Office of Financial Management and $250,000 of which is for the Department of Ecology.

Revenue: An additional tax is imposed on cigarettes at the rate of 4 mils per cigarette (8 cents per pack); and

An additional tax is imposed on tobacco products at the rate of 16.75 percent of the wholesale sales price.

Sales tax collected on new or existing water pollution control facility projects shall be deposited in the Water Quality Account.

VOTES ON FINAL PASSAGE:

Senate	26	20
House	50	43

EFFECTIVE: February 21, 1986
April 1, 1986 (Sections 12-15)

SB 4521

C 31 L 86

By Senators Thompson, Zimmerman and Rinehart

Establishing a fellowship program in forensic pathology.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

The State Death Investigations Council has submitted a recommendation calling for the establishment and funding of a residency in forensic pathology at the University of Washington. According to an LBC study, "Forensic pathologists are individuals whose expertise, because of their training, is the medico-legal autopsy (as opposed to nonforensic, hospital pathologists whose expertise primarily relates to the anatomic nature of disease" (Report No. 85-3, January, 1985, p. 23). The Council feels that forensic pathologists can

provide death investigators and law enforcement officials with a high degree of medical expertise and can be of substantial assistance in the successful prosecution of a homicide.

SUMMARY:

A fellowship program in forensic pathology is created in the school of medicine at the University of Washington. The program shall provide training for one person per year. During the period of the fellowship, the recipient shall be available to county coroners without charge to perform autopsies, for consultations, and to provide testimony in court.

The fellowship is funded from the existing state death investigations' account, which receives revenue from a $2.00 fee on certified copies of vital documents. The funding is subject to appropriation. The University of Washington may bill this account in an amount up to $35,000 per twelve month period for the fellowship program in forensic pathology.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	96	0

EFFECTIVE: July 1, 1986

SSB 4525

PARTIAL VETO

C 323 L 86

By Committee on Governmental Operations (originally sponsored by Senators Bottiger and McDermott)

Enacting provisions relating to legal representation of the legislature.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

Under the State Constitution, the Attorney General is the legal adviser of state officers. By law, the Attorney General also represents the state in court cases in which the state is interested, as well as advising the Governor, members of the State Legislature and other state officers. It has been suggested that the Legislature be granted general authority to employ independent counsel to avoid situations in which the Attorney General could be faced with conflicting responsibilities.

Some examples include current litigation over vetoes to the Motorcycle Franchise Act of 1985 (SB 3333). The Attorney General clearly must represent the Governor in this case. The Legislature sought to have a particular attorney assigned as a Special Assistant Attorney General. The Attorney General selected another person. A superior court ruled that the Legislature could employ its own counsel, but the Attorney General sought expedited review before the Supreme Court. Other instances include large settlements in lawsuits by or against the state, wherein the Legislature is not represented as a participant.

SUMMARY:

In judicial or administrative actions involving the legislative branch, the Legislature may employ independent counsel and notify the Attorney General that it has done so. Absent such a decision, the Attorney General will continue to represent and advise the Legislature of all such proceedings involving the legislative branch.

The "Legislature" is defined as the Senate and House together, the Senate or House by itself, or any committee or legislative entity able to select its own employees. The purpose is stated as confirming the Legislature's constitutional power to select its own counsel.

VOTES ON FINAL PASSAGE:

Senate	35	14	
House	89	7	(House amended)
Senate	30	18	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The deleted language would have allowed employment of independent counsel either by the Senate or the House of Representatives itself, or by any entity of the legislative branch with authority to select its own employees. (See VETO MESSAGE)

SB 4527

C 14 L 86

By Senators Moore, Newhouse, Bender and Sellar; by request of Department of Licensing

Establishing a commodities and securities licensing program.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

A commodity is, among other things, any agricultural, grain, or livestock product or by-product, any metal or mineral, any gem or gemstone, any fuel, and any foreign currency.

Until recently, regulation of the commodities industry was exclusively within the jurisdiction of the Commodities Futures Trading Commission, an independent regulatory agency established by Congress to administer the Commodities Exchange Act. In 1982, the Commodities Exchange Act was amended to allow states to adopt legislation to regulate certain commodities transactions and persons dealing in commodities.

SUMMARY:

The Director of the Department of Licensing is authorized to issue rules or orders prescribing the terms and conditions of all off-exchange commodities transactions within the state of Washington. The Director may also adopt rules or orders setting forth licensing and registration requirements, examination requirements, fee schedules, and reporting requirements for all persons dealing in off-exchange commodities transactions within the state of Washington.

The Director is vested with broad powers to conduct investigations, conduct hearings, subpoena witnesses, issue injunctive orders, and impose fines. The prosecuting attorney may prosecute willful violations of any provisions contained herein.

VOTES ON FINAL PASSAGE:

Senate	43	2
House	96	0

EFFECTIVE: October 1, 1986

SB 4528

C 12 L 86

By Senators Talmadge, Newhouse, Barr, Conner and Granlund; by request of Public Disclosure Commission

Consolidating public disclosure reporting exemptions for small political subdivisions.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

BACKGROUND:

At present, the campaign finance reporting requirements of Washington's open government act do not apply to a political subdivision with fewer than 5,000 registered voters. However, a subdivision may require disclosure if 15 percent of the registered voters file a petition for disclosure with the Public Disclosure Commission (PDC). Upon approval, the PDC issues an order voiding the exemption. The order applies to all elections in the jurisdiction for two years after its issuance.

In political jurisdictions with less than 1,000 registered voters, disclosure is required if 5 percent of the registered voters file a petition for disclosure with the PDC. The order voiding the exemption for the jurisdiction is valid permanently.

Disclosure is also required in subdivisions that by official action petition the PDC to make applicable the reporting provisions.

Currently, campaign finance reporting, with respect to in-state political committees registered with the Federal Election Commission, seems to require full registration and reporting under state law even if those committees make only an occasional contribution to state and/or local candidates.

SUMMARY:

The procedures for requiring small political subdivisions to comply with the reporting requirements of the open government act are made consistent and referenced in one section of the code.

The reporting provisions apply in any exempt political subdivision from which a petition for disclosure containing the valid signatures of 15 percent of the registered voters of the subdivision is filed with the Public Disclosure Commission. The reporting provisions also

apply in any exempt political subdivision that by official action petitions the Commission to make applicable the provisions.

The Commission must void any order requiring a political subdivision to comply with the reporting provision when, at least four years after the order, the political subdivision makes the request through a petition or other official action.

Procedures for filing petitions are described.

The special report now required of out-of-state political committees supporting in-state state and/or local candidates is required of in-state political committees registered with the Federal Election Commission when these committees make "occasional" contributions to a state and/or local candidate.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	96	0

EFFECTIVE: June 11, 1986

SB 4529

C 212 L 86

By Senators Talmadge, Newhouse, Halsan and Johnson

Revising registered nurse privileged communications provisions.

Senate Committee on Judiciary

House Committee on Social & Health Services

BACKGROUND:

During the 1985 session, the Legislature enacted a law which prohibits the testimony of registered nurses in court hearings, unless the patient consents to disclosure or the information relates to the contemplation of a future crime or relates to neglect or sexual or physical abuse of a child or vulnerable adult.

The law has had an inadvertent impact on the administration of the Involuntary Treatment Act in some counties because it has made testimony by registered nurses unavailable in commitment proceedings. Nurses, particularly those working in intermediate care facilities, skilled nursing facilities, emergency room settings, and the county jails, are the professional persons who possess the evidence necessary for medical health professionals to file orders detaining mentally disoriented persons. The testimony of nurses has consistently provided a vital link in the evidentiary basis for ITA commitment hearings and orders.

SUMMARY:

The law which allows privileged communications between registered nurses and patients does not apply to adult and juvenile involuntary commitment proceedings.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4531

C 184 L 86

By Committee on Financial Institutions (originally sponsored by Senators Talmadge, Newhouse, Bender, Lee, Rinehart, McManus, Bauer and Conner)

Modifying provisions relating to mental health insurance coverage.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

In 1983, the Legislature passed the Mental Health Insurance Act requiring insurers, health care service contractors, and health maintenance organizations to offer optional supplemental mental health coverage. If purchased, mental health treatment must be covered if it is provided by: (1) a physician; (2) a psychologist; or, (3) a community mental health agency licensed by the Department of Social and Health Services.

In May, 1985, the Washington State Attorney General issued an opinion (AGO 1985 No. 8) interpreting the Mental Health Insurance Act of 1983 to allow mental health coverage to include any combination of the above three providers if the contract holder had first waived the mandated three-part offering.

Proponents of the present mental health bill claim that the option by the contract holder to first waive the three-part offering, and subsequently purchase coverage including a selected combination of providers, contravenes the legislative intent of the 1983 act.

SUMMARY:

Each group disability insurer, health care service contractor, or health maintenance organization must offer optional supplemental mental health coverage to the insured and insured's dependents. Mental health treatment must be covered whether it is rendered by: (1) a physician; (2) a psychologist; or, (3) a community mental health agency licensed by the Department of Social and Health Services.

A legislative intent section is included to specify that all mental health care benefit plans shall provide reimbursement for mental health treatment by every type of provider listed above.

Policies or contracts subject to collective bargaining agreements entered into prior to the effective date of this act are exempt from the provisions of this act.

Third-party payers are authorized to vary benefit payment rates for different types of mental health care providers.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	96	0
Senate	42	4

EFFECTIVE: March 1, 1987

SB 4535

C 261 L 86

By Senators Halsan, Newhouse and Talmadge

Changing provisions relating to professional service corporations.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Governor vetoed section 1 of Substitute Senate Bill 3069, Chapter 431, Laws of 1985. Because of this partial veto, it is not clear whether nonprofit organizations can form professional service corporations or whether nonprofit professional service corporations, if allowed, must comply with the Professional Service Corporations Act.

Currently, professional service organizations can convert to a regular business corporation by simple amendment of their articles. No corresponding conversion method is available for business corporations to convert to professional service corporations. A business corporation must dissolve and reincorporate to become a professional service corporation.

SUMMARY:

Professionals can form nonprofit professional service corporations subject to the requirements of the Professional Service Corporations Act.

Business corporations can convert to professional service corporations by simple amendment of their articles.

Chapter 431, Laws of 1985, is repealed.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	94	2	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4536

C 186 L 86

By Committee on Transportation (originally sponsored by Senators Bauer, Peterson, Patterson and Granlund)

Prescribing a penalty for initial nonregistration of a vehicle.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Any person who owns a vehicle in the state is subject to an annual registration fee and an excise tax based on 2.35 percent of the fair market value of the motor vehicle. Motor vehicles brought into the state are subject to the use tax. The use tax supplements the retail sales tax by imposing a tax upon the use of any article of tangible personal property, where the sale or acquisition has not been subject to the sales tax. The use tax rate is equal to the sales tax rate.

In an effort to restrict Washington residents from licensing vehicles in other states the Legislature recently changed the penalty for failing to register a resident vehicle and pay the related taxes from a traffic infraction to a misdemeanor. A specific penalty was not prescribed in the statute; therefore each court in the state sets the penalty on an individual basis. Fines currently being levied against persons found in violation of the vehicle registration law have been less than if the violation had remained a traffic infraction in the statute.

The new law also includes the failure to renew a vehicle's registration time. Court officials have expressed concern over the severity of the portion of the law which makes this oversight a criminal offense.

SUMMARY:

A vehicle owned by a Washington resident must have a Washington certificate of registration prior to its operation on Washington State highways. A Washington resident convicted of failing to register his or her motor vehicle in Washington shall receive a fine of not less than $165 which may not be suspended or deferred.

Failure to renew an expired registration has been changed from a misdemeanor to a traffic infraction.

The Department of Licensing shall issue certificates of title for off-road vehicles. Issuance of such a certificate does not qualify the vehicle for use on public roadways of the state. Washington governmental agencies shall not be liable for the issuance of a license to a non-roadworthy vehicle.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	92	5	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4537

C 213 L 86

By Senators Bauer, Peterson, Patterson, Bender and Vognild

Eliminating mandatory court appearance on a charge of driving with an expired license.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

A person found guilty of driving with an expired driver's license is required by law to personally appear in the district court indicated on the written traffic citation. In many instances this may be hundreds of miles from the driver's home. Some officials feel that this imposes a significant hardship on a person who may not even realize that the license has expired, requiring the driver to take a day off work and drive many miles to the court of jurisdiction as if facing a criminal conviction.

SUMMARY:

A person charged with driving with an expired driver's license may respond by mailing to the court of jurisdiction within fifteen days of the violation a copy of the person's currently valid driver's license.

The Supreme Court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also outline the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4538

C 214 L 86

By Senators Warnke, Newhouse, Benitz, Wojahn and Conner; by request of Liquor Control Board

Establishing a wine grower's license for sale of wine.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Growers of grapes and other agricultural commodities used in wine production frequently face unfavorable market conditions. Short harvest periods and the limited time in which these products remain saleable requires processing into wine to avoid crop losses or sales of products at low prices. Current state law requires growers to obtain a manufacturers' license to contract with licensed wineries or distillers to crush,

ferment and store the product in bulk form until market conditions improve. The $500 manufacturers' license requires growers to post surety bonds, provide price postings and submit labels for certification.

Many times, changing market conditions require quick sales to obtain higher prices. Given an approximate 30 day licensing time frame, some growers sell their bulk products without the manufacturers' license. To correct this situation, the Liquor Control Board has recommended a new grower's license costing $75 which eliminates price postings, label certification and surety bonds to ensure payment of taxes on the sale of bottled wine to wholesalers and the Liquor Control Board.

SUMMARY:

A grower's license is established which allows an agricultural product grower to contract with licensed wineries and distillers to manufacture wine made from the grower's own products. Licensed growers may store wine in bulk and sell bulk wine to holders of winery, distillery or manufacturers licenses. Growers may also sell bulk wine for export. The annual fee for the grower's license is $75 per year.

The Liquor Control Board is prevented from regulating the content of spoken language on licensed premises except when a clear and present danger of disorderly conduct exists.

Redundant language is eliminated which grants authority to the Board to issue regulations concerning wine growers' licenses.

Revenue: first biennium – $7,763

VOTES ON FINAL PASSAGE:

Senate	41	0	
House	96	0	(House amended)
Senate	44	3	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4540

C 286 L 86

By Senators Bender, Deccio, Moore, von Reichbauer, Bauer, Zimmerman, Johnson, Newhouse, Hansen, McManus, Conner and Rasmussen; by request of Joint Study Committee on Insurance Availability and Affordability

Establishing procedures for canceling written agreements between insurance companies and agents.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

The Joint Committee on Insurance Availability and Affordability found that some insurance companies were cancelling contracts with agents and failing to continue coverage for persons insured through those agents and brokers, thereby cancelling coverage for large blocks of Washington residents.

The Committee concluded that insureds and their agents need more time to search the market for other coverage.

SUMMARY:

Insurance companies are required to give insurance agents 120 days notice of cancellation of written agreements. The company must also continue to process renewals through that agent for a period of up to one year if those contracts had not been placed with another insurer at renewal time.

The requirements are limited to property/casualty insurance.

Insurance companies are prohibited from cancelling or nonrenewing a policy due to termination of an agent's contract.

Insurance companies are prohibited from cancelling an agent in an arbitrary, capricious, or discriminatory manner.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4541

C 287 L 86

By Committee on Financial Institutions (originally sponsored by Senators Granlund, Deccio, Moore, von Reichbauer, Zimmerman, Johnson, Hansen, Vognild, Bauer, Fleming, Williams, Newhouse, McManus and Conner; by request of Joint Study Committee on Insurance Availability and Affordability)

SSB 4541

Establishing procedures for canceling insurance.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Presently, insurers are not required to give policyholders an explanation of why policies are cancelled or not renewed.

SUMMARY:

When insurance companies send out a cancellation or nonrenewal notice, they must give a written explanation of the reasons for the action.

Surplus lines are excluded from the 45-day cancellation and nonrenewal notice requirements.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House receded)

EFFECTIVE: June 11, 1986

SSB 4544

C 187 L 86

By Committee on Judiciary (originally sponsored by Senators Moore, Talmadge, Granlund, Newhouse, Wojahn, Conner and Lee)

Requiring specified person to report abuse of vulnerable adults.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Currently, social workers, employees of the Department of Social and Health Services, and health care practitioners who reasonably believe that a vulnerable adult has been abused, exploited, or neglected must report this information to the Department. No other persons are required or specifically allowed to make such reports.

SUMMARY:

Any person, including attorneys and employees of financial institutions, who reasonably believes that a vulnerable adult has been abused, exploited, or neglected may report such information to the Department. In addition to social workers and health care providers, police officers, employees of a social service, welfare, mental health, or health agency and long-term care facilities must orally report such information to the Department immediately and must make a written report within 10 days of receiving the information.

The identity of persons making reports is confidential unless there is a judicial proceeding or the reporting person consents to disclosure.

Reporting under this chapter shall not be deemed a violation of any confidential communications privilege. This chapter does not affect any person's right to make a claim against the state.

No civil liability exists for the failure to make a permissive report under this chapter.

A vulnerable adult or the Department of Social and Health Services may petition the courts for an order of protection. A hearing will be scheduled within 14 days of the filing. The court may order various forms of relief including but not limited to: (1) a restraining order on the respondent, (2) the exclusion of the respondent from the petitioner's home, (3) the requirement that the respondent account for the disposition of the petitioner's income or resources, or (4) the requirement that the respondent pay all court costs. The state of Washington and the Department of Social and Health Services are not liable for the failure to file such a petition.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	92	5	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4547

C 242 L 86

By Committee on Agriculture (originally sponsored by Senators Hansen, Newhouse, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey)

Providing for crop liens.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Statutes have been in existence since before statehood allowing liens to be placed on crops to secure payment for labor, materials, leases, and performance of work associated with growing the crop. The statutes which govern the filing, duration and enforcement of crop liens are confusing, inconsistent and contain legal ambiguities. The Washington State Bar Association formed a task force which reviewed the statutes governing crop liens and made a recommendation to the Legislature on recodification.

Liens are currently filed at the county auditor's office. Crop lien priorities are established as follows: Labor, seed and landlord liens are preferred to any other encumbrance upon crops (labor being given first priority, followed by seed and then landlord); agricultural dusting or spraying does not specify priority; fertilizer and pesticide liens have priority over crop mortgages which have not given new value during the crop year.

Liens must be filed as follows: Within 20 days after work is done for a valid labor lien; within 60 days after delivery of seed for a seed lien; within 30 days after harvest for a spraying or dusting lien; after delivery of product but before harvest for a fertilizer or pesticide lien. Landlord liens can be based on a filing of a lease valid for three years with claims for damages being recorded within 20 days of failure to perform or for unrecorded leases. Liens must be filed by June 1 for crops grown during that year.

Liens must be foreclosed as follows: Labor liens must be foreclosed within eight months after lien is filed or 12 months for fall planted crops; landlord liens must be foreclosed within eight months after lien is filed; seed liens must be foreclosed within six months of harvest or two years from filing, whichever is shorter; dusting and spraying liens must be foreclosed within eight months after filing; and fertilizer and pesticide liens must be foreclosed within 12 months of filing.

SUMMARY:

This is a recodification of Title 60, crop liens, including some policy changes so that legal ambiguities and inconsistencies are removed. Crop liens are used to secure payment of the purchase price of supplies or services performed or to secure cash rental to a landlord.

Crop liens may be imposed by any supplier who furnishes a multitude of agriculture supplies including seed, fertilizer, or pesticide or who performs any work or labor upon the land including sowing, planting, cutting, picking, harvesting, hauling or storing of crops.

Crop liens may not be imposed on a landlord's share of a crop unless the landlord consents or if the landlord has agreed in writing to the tenant to be responsible for such supplies or services. Landlord liens for cash rental shall also be filed and shall be effective for the term of the lease or five years, whichever is shorter. A landlord lease longer than five years may be refiled and retain its priority. Landlords with crop share agreements may file evidence of a lease in order to put suppliers on notice that their share cannot be subject to a lien without consent.

The crop liens shall be filed centrally with the Department of Licensing. Once filed, the lien attaches to the crop and shall continue in all identifiable proceeds of the crop. Liens shall be filed after delivery of supplies or provision of service but before completion of harvest. The Department of Licensing may prescribe standard forms, fees and procedures for filing or obtaining information regarding crop liens.

Priorities as between conflicting liens and security interests are established as follows: (1) Labor liens; (2) landlord liens for cash rent; (3) other liens rank according to time of filing; (4) obligations secured by earlier filed security interests or liens have lowest priority when such obligations did not arise to produce that year's crop.

Liens may be foreclosed in a judicial action in the county having jurisdiction over the real property upon which the crop was grown or the lien may be foreclosed in a summary procedure. In the judicial procedure, a judgment shall be rendered on the amount due and the decree shall order the sale of the crop. If the sale proceeds are insufficient, the sheriff may sell other property of the debtor for the remainder of the judgment owing. The summary foreclosure procedure authorizes the lien holder, upon notice, to sell or otherwise dispose of the crop in a commercially reasonable manner. The lien holder may not utilize other property if the sale proceeds are insufficient.

Liens must be foreclosed within two years of filing or within two years of default on a lease. The lien expires if action to foreclose is not commenced within this time. If the amount of the lien is fully paid, a notice of termination must be filed by the lien holder.

Liens created prior to the effective date of this act (January 1, 1987) shall be based on and foreclosed according to the law in effect at the time the lien was created. The Department of Licensing shall notify persons requesting information that during this transition period records may exist at both the county and state levels.

Priority conflicts between UCC security interests and crop liens shall be governed by this crop lien recodification.

Every section in RCW 60.12, RCW 60.14 and RCW 60.22 is repealed and replaced in substance in this recodification.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: January 1, 1987

SB 4551

C 188 L 86

By Senators Vognild, Sellar, Peterson, Granlund, Zimmerman, Hansen, Moore, Talmadge, Garrett, Gaspard, Bauer, Rasmussen, Bender, Bottiger and Conner

Prescribing penalties for assaults on fire protection personnel.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Current law defines assault in the third degree as an assault, not amounting to assault in the first or second degree, of: a) an officer of the court while executing any lawful process; b) any individual with an instrument or weapon likely to produce bodily harm; and c) a transit operator while operating a transit vehicle.

SUMMARY:

Firefighters are added to the list of professionals that receive special protection under the assault statute. Assaults of firefighters not amounting to assault in the first or second degree constitute assault in the third degree.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4553

C 190 L 86

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Goltz, Newhouse, Bailey and Benitz)

Authorizing beef commission to levy assessments for promotion and research.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

The 1985 federal farm legislation established a national beef promotion and research program. To fund this program, an assessment of $1 per head is collected each time an animal is sold. Qualifying state beef commissions can retain up to 50 cents of each dollar collected in that state to fund the state beef promotion programs. In approximately six months, the final regulations will take effect and assessments will begin. The assessment will continue for 22 months during which time a national referendum of beef producers will be held on the continuation of the national program.

Currently, the State Beef Commission assesses 50 cents per head of beef sold in the state. Two exemptions from the state assessment currently exist: (1) sales of low value calves, and (2) cows sold for milk production.

Authority is sought to allow the Beef Commission to utilize existing procedures to collect an additional 50 cents per head assessment for the national program.

SUMMARY:

Authority is granted to assess an additional 50 cents per head for a national beef promotion and research program. The authority is contingent upon implementation of federal legislation.

The exemption for low value calves and cows sold for milk production will continue if the federal order allows for an exemption from the assessment. If no

exemption is provided in the federal order, the State Beef Commission and the federal program will each receive 50 cents per head.

VOTES ON FINAL PASSAGE:

Senate	44	1
House	96	0

EFFECTIVE: June 11, 1986

SB 4556

C 263 L 86

By Senators Vognild, Zimmerman, Rasmussen, Peterson, Granlund, Sellar, Wojahn and Moore

Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical products testing laboratory before sale or exchange.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries is currently authorized to inspect and regulate the installation of electrical equipment associated with spas, hot tubs, swimming pools and hydromassage bathtubs. However, because these units are installed in homes with existing power supplies, the Department has no mechanism to insure that inspection regulations are complied with. It is estimated that a considerable number of units are installed without inspection, which has resulted in instances of substandard electrical equipment being installed in an unsafe manner.

Regulating the sale of spas, hot tubs, swimming pools and hydromassage equipment is considered an effective approach to insure that units meet the state electrical standards.

SUMMARY:

Electrical equipment associated with spas, hot tubs, swimming pools and hydromassage bathtubs are prohibited from being offered for sale or exchange unless the electrical equipment is certified as being in compliance with the Department of Labor and Industries' product safety standards by bearing the certification mark of an approved electrical products testing laboratory.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	90	6

EFFECTIVE: June 11, 1986

SB 4569

C 164 L 86

By Senators Owen, Warnke and Barr

Requiring a study of consolidating food fish and game fish recreational licenses.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The Department of Fisheries and the Department of Game have separate licensing requirements for sport fishermen. The general public finds the many different licenses required for sport fishing for food fish or game fish to be unnecessarily complicated and potentially confusing.

SUMMARY:

The Director of the Department of Fisheries and the Director of the Department of Game shall conduct a joint feasibility study on consolidation of sport fishing licenses into a single license. Factors to be considered in the study include: Increasing participation in the recreational fishery, cost of the license, convenience to recreational fishermen, simplified format to license dealers, fiscal accountability to the general fund and game fund, maximum efficiency of administration, accuracy of biologic data collection, and acceptance by the public. The Directors shall present a joint report to the Legislature for consolidation in the 1987 session.

VOTES ON FINAL PASSAGE:

Senate	42	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4571

C 185 L 86

By Committee on Governmental Operations (originally sponsored by Senator Hayner)

Authorizing cities to pay rewards under certain circumstances.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Counties and port districts are authorized to offer and pay monetary rewards for information leading to the arrest of criminals or leading to the arrest and conviction of those charged with criminal offenses, including malicious mischief (intentional damaging of county or port district property). When more than one claimant applies for the payment of any reward offered by a county, the county legislative authority determines the recipient of the reward or the division of the reward between more than one person. The reward is paid from the county treasury.

It has been suggested that cities and towns should also be enabled to offer and pay rewards in criminal investigations.

SUMMARY:

Cities and towns are authorized to pay monetary rewards in criminal investigations. The city governing body is to determine the recipient of the reward if there is more than one claimant, or split the reward between claimants. The reward is to be drawn from the city treasury.

The existing authority of port districts to pay rewards is clarified. The board of commissioners of a port district is permitted to determine the recipient of a reward, if there is more than one claimant, or split the reward between claimants, when the port district decides to issue a reward. Express authority is also granted to draw the reward from the port district treasury.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	87	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4572

PARTIAL VETO

C 292 L 86

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Goltz, Thompson, Zimmerman and Bluechel)

Modifying shoreline management provisions.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

The Shoreline Management Act (SMA) was passed by the Legislature in 1971. It allowed shoreline projects costing $1,000 or less to be exempted from its provisions. Since the SMA has been in effect, the Department of Ecology and local governments have noted minor procedural problems that could be corrected to make the act work smoother.

Currently, there is no limit on the evidence that can be presented to the Shoreline Hearings Board when a shoreline permit is appealed. Some have complained that evidence that could have been presented at the local level is sometimes withheld and revealed at the Hearings Board. Local government land use permit appeals to superior court limit the evidence to that presented on the record of the local government.

Currently, there is no provision in the SMA for civil penalties for violations or order-issuing authority for DOE or local governments.

SUMMARY:

The current $1,000 and less value for general development projects that are exempt from the Shoreline Management Act is raised to $2,500 and less. Construction of single family residence docks are exempt from shoreline development permits if they cost $6,500 or less.

The Department of Ecology is to periodically review master programs and make necessary adjustments. The procedure for DOE adjusting or approving a master program is specified. Appeal provisions are to be modified, and appeals of master program decisions made by the Shoreline Hearings Board can be brought only in the superior court of Thurston County.

When provisions of the Shoreline Management Act are violated, civil penalties of up to $1,000 per violation per day are allowed. A notification and review

procedure is established for penalty issuance. Penalties imposed by DOE are subject to the Shorelines Hearings Board. Penalties imposed by local governments are subject to review by the local legislative authority. Penalties jointly imposed by DOE and local governments are appealable to the Shoreline Hearings Board.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	93	0	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The section that exempts single family residence docks costing $6,500 or less from the shoreline permit and public review process is eliminated. (See VETO MESSAGE)

SSB 4574

C 222 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, DeJarnatt, Kreidler, Conner, Vognild, Johnson and Garrett; by request of Department of Social and Health Services)

Revising provisions on chore services.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Current law requires Department of Social and Health Services (DSHS) to provide chore services within the limits of funds appropriated for that purpose. DSHS must maintain the level of service in effect on August 23, 1983, for those recipients below 30 percent of the state median income. Additionally, DSHS may not reduce the level of service of people who were recipients August 23, 1983. (RCW 74.08.541) These restrictions keep DSHS from allocating chore services based on need and income level in the event of inadequate resources.

Current law allows the Department to establish lids on the level of chore service provided. In the past, though lids have been established, they have not been reached. The Department has already begun waiting lists in some program areas and expects the ceiling to be reached in all programs by March 1986.

The Senior Citizens' Services Act (Chapter 74.38 RCW) calls for the Department to utilize volunteers to provide community based services. The 1985–87 biennial budget contains a specific proviso for volunteer chore services under the Senior Citizens' Services Act (Section 207(3)(F)). Under the chore services eligibility statute (RCW 74.08.541), there is a reference concerning referral to the volunteer chore services program, which makes no distinction as to the age of the client. Therefore, clients often referred to the volunteer chore services program are not eligible because they are not senior citizens.

SUMMARY:

Persons eligible for chore services are low income persons who need assistance with essential activities of daily living and are at risk of placement in a residential care facility. The minimum service level as of August 13, 1983 is stricken. Two categories of chore service recipients are established. The first group is adult recipients of supplemental security income or state supplementation, persons eligible for limited casualty program medical care, and persons who have an income at or below 30 percent of the state median income. The Department will determine the level of service in accord with RCW 74.08.545. The second group is for other persons who will receive service based on their ability to pay.

Volunteer chore services under the Senior Citizen Service Act shall be provided only to people 60 or over. An attempt shall be made to provide these volunteer chore services to people eligible for five hours of service or less per month. A referral shall be made to these volunteer chore programs if the individual is ineligible for chore services but is at risk for residential care placement. A referral shall also be made if the individual is eligible for a reduction in service.

Individuals eligible for adult protective services continue to be eligible for chore service without regard to income until the situation necessitating the services has stabilized, but not more than 90 days.

In order to keep the amount of service provided within the funds appropriated, DSHS may establish maximum service allocations by setting a dollar lid. If the need arises, DSHS may reduce the amount of service provided below the level of need assessed by the Department. These reductions shall be done in a manner which maintains uniform eligibility and service authorization standards. The Department shall also consider the level of need and the degree of risk of

residential care placement when reducing service authorization.

VOTES ON FINAL PASSAGE:

Senate	43	0
House	71	24

EFFECTIVE: April 2, 1986

SB 4582

C 243 L 86

By Senators Moore, Sellar, Bender and Newhouse

Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Presently, no statutory provisions directly address fraud in the obtaining of health care benefits. Although the exact number of false claims submitted to third party payers in Washington is unknown, proponents believe that clear statutory language establishing health care claims fraud as a felony will strongly deter fraudulent activity.

Health care claims fraud has declined in states that have enacted similar legislation.

SUMMARY:

Any person who knowingly submits a false claim to a health care insurer or contractor, health maintenance organization, self-insurer of health benefits or any person responsible for making payment for another's health care is guilty of a class C felony. In addition, no person may conceal the occurrence of any event that may affect the right to obtain a benefit under such contracts or policies.

A prosecution under the provisions of the act does not limit a possible civil action; and, upon conviction, the prosecutor must notify the appropriate regulatory or disciplinary body.

VOTES ON FINAL PASSAGE:

Senate	47	1	
House	96	0	(House amended)
Senate	47	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4584

C 189 L 86

By Senators Benitz and Thompson

Revising provisions relating to library districts.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

In 1977, the Legislature levied a tax on every taxing district operating a thermal electric generating facility. The state Department of Revenue is directed to collect the tax and then is to distribute it to the state and to certain local government units in the "impacted area." Library districts receive 2 percent of this distribution and each library district receives a percentage of the amount for distribution to library districts in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area.

A difference of opinion has arisen as to what the term "library district" should be taken to encompass.

SUMMARY:

For the purpose of distribution of tax proceeds from thermal electric generating facilities, the term "library district" includes only regional libraries, rural county library districts, intercounty rural library districts, and island library districts. Furthermore, incorporated population in the impact area is not to be counted for purposes of the distribution of the impact tax among the library districts.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	94	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: April 1, 1986

SSB 4590

PARTIAL VETO

C 294 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and Rasmussen; by request of State Treasurer)

Revising provisions relating to local government investments.

Senate Committee on Governmental Operations

House Committee on Local Government

House Committee on Ways & Means

BACKGROUND:

As principal manager of state funds, the State Treasurer has specific authority to invest cash in excess of current needs. For most local governments, the investment officer is the county treasurer. Allowing the State Treasurer to combine local as well as state funds could give smaller jurisdictions access to the broader investment resources of the State Treasurer. Similar advantages might accrue on the local level if the county treasurer is authorized to combine funds of other local jurisdictions.

SUMMARY:

By resolution or ordinance, local governments may authorize the State Treasurer to invest and reinvest funds not immediately required to meet current demands.

The Public Funds Investment Account is created as a trust fund in the state treasury, without requiring return of any portion of earnings to the general fund, as is true with state investments. The county treasurer is recognized as the official local authority to place such investments. In making the local investments, the State Treasurer is required to follow the "prudent man" rule.

The State Finance Committee is given administrative and rule-making powers concerning operation of the investment pool, including: time periods for investment; withdrawal procedures; and provision for administrative expenses, as well as for distribution of earnings. Repayment of the appropriated start-up costs is required by June 30, 1989, and on or before June 30, 1991. Local investment in repurchase agreements is prohibited unless the securities are in possession of the local government, its agent or a third party in trust. The investment provisions for water and sewer districts are amended to conform.

The State Treasurer's Office is authorized to employ such personnel as necessary to administer the investment account. Distribution of earnings must be calculated to reflect the differing amounts of each local government's deposits, and the differing amounts of time covered. Separate detailed accounts must be kept for each political subdivision with funds on deposit, and monthly reports furnished to the local government officials.

At the end of each fiscal year, the State Treasurer must submit an activity report of the investment pool to the Governor, the State Auditor and the Legislative Budget Committee.

County treasurers are similarly authorized to combine funds of other local jurisdictions for investment purposes.

Appropriation: $100,000 to the State Treasurer from the State Treasurer's service fund for initial administrative expenses.

VOTES ON FINAL PASSAGE:

Senate	47	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The section placing limits on local governments' investments in repurchase agreements is deleted. Also eliminated is the June 30, 1989 deadline for repaying the initial startup costs of the investment pool. The June 30, 1991 repayment date in another section is allowed to stand. (See VETO MESSAGE)

SB 4593

C 25 L 86

By Senators Moore, Sellar and Rasmussen; by request of State Treasurer

Establishing provisions relating to the deposit of public funds.

Senate Committee on Financial Institutions

SB 4593

House Committee on Financial Institutions & Insurance

BACKGROUND:

Presently a qualified public depositary may not hold more than 300 percent of its net worth in public funds unless the deposits are fully collateralized.

SUMMARY:

Public depositaries may not hold on deposit more than 150 percent of their net worth in uncollateralized public funds.

The Public Deposit Protection Commission is given the authority to establish minimum standards for the financial condition of public depositaries. If the standards are not met, the Commission may require additional collateral or restrict the depositary's right to hold public funds.

VOTES ON FINAL PASSAGE:

Senate	43	1
House	96	0

EFFECTIVE: June 11, 1986

SSB 4596

PARTIAL VETO

C 274 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon, Wojahn, Garrett and Johnson)

Revising provisions relating to community mental health services for children.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The 1982 Community Mental Health Services Act (Chapter 71.24 RCW) states that children are one of the underserved population groups and are, therefore, a priority for mental health services. However, the definitions established for serving priority groups (acutely mentally ill, chronically mentally ill, and seriously disturbed) specifically mention children in only the third priority category. The definition of mental disorders in the first two priority categories are rigidly written and do not apply to children's mental disorders. Their position in the last group limits the ability of county programs to address their needs.

SUMMARY:

Legislative intent is clarified to ensure that minors in need of community mental health care, in fact, receive such care.

It is the intent of the Legislature to establish a community mental health program which provides for coordination between DSHS and the Office of the Superintendent of Public Instruction and which is aimed at reducing duplication and promoting complementary services among all providers.

A child eligible for treatment is defined as anyone under the age of 18. The definitions of acutely and chronically mentally ill are changed to specifically include mental disorders applicable to children.

Day treatment for mentally ill children is expanded to include age, appropriate basic living and social skills, educational and prevocational services, day activities and therapeutic treatment. Community support service for children must include discharge planning for those leaving inpatient psychiatric facilities or other residential treatment facilities.

The Secretary of DSHS is directed to include children's representatives on the Mental Health Oversight Committee.

DSHS is required to identify, by November 1, 1986, the number of children in each priority group who are receiving mental health services, the total amount of funds used for children's mental health services, an estimated number of unserved children in each priority group and the cost of serving these additional children and their families. Counties are required to identify the number of children served and unserved in the county biennial plan, beginning January 1, 1987.

The Secretary of DSHS is required to study the desirability and feasibility of consolidating children's services and to explore ways to develop closer linkages between children and family services and the public school system. The report must be submitted to the Legislature by December 1, 1986.

Money set aside for community demonstration projects must be used for early intervention or primary prevention programs for children.

The Department of Social and Health Services is required to waive standards for mental health professionals if the individual has a bachelor's degree and (1)

is employed by an agency licensed under the Community Mental Health Services Act, and (2) has at least ten (10) years of full time experience in the treatment of mental illness.

The sections mandating mental health services for children will take effect on July 1, 1987.

VOTES ON FINAL PASSAGE:

Senate	45	2	
House	85	11	(House amended)
Senate	44	2	(Senate concurred)

EFFECTIVE: June 11, 1986
July 1, 1987 (Sections 1, 2, 3, 5 and 9)

PARTIAL VETO SUMMARY:

Section 8 was vetoed. This section required the Department of Social and Health Services to conduct a study of the desirability and feasibility of consolidating children's services. (See VETO MESSAGE)

SB 4601

C 221 L 86

By Senators Williams, Kreidler and Zimmerman

Revising provisions of historic property regulations.

Senate Committee on Parks & Ecology

House Committee on Ways & Means

BACKGROUND:

In 1985 the Legislature passed SSB 3283, which authorized property tax incentives for designated historic buildings which have been rehabilitated. Under the measure, owners of eligible historic properties may, for ten years, deduct from the assessed value of the property the actual cost of such rehabilitation. While implementing the legislation, county assessors noted some areas that needed clarification in order to simplify administration of the program.

SUMMARY:

"Substantial improvement" is changed to "cost." This change eliminates confusion over the term "improvement" which, to assessors means a building. The change also eliminates confusing language, such as in RCW 84.26.070(3), which effectively refers to "the actual cost of cost."

"Covenant" is changed to "agreement" because the document executed between an applicant and a local review board can be changed at will and does not run with the land.

A definition of "rehabilitation" is provided to give guidelines to historic preservation officials.

The assessor is required to record, with the auditor, all approved applications and supporting documents. The cumulative fees can be substantial in a populous county and successful applicants will bear the cost under the proposed change.

Local review boards are required to approve applications for special valuation. The boards are given authority to examine records of applicants.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	93	2	(House amended)
Senate	47	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4609

C 26 L 86

By Senators Halsan and Peterson

Allowing county rail districts to be established by petition of the voters.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

State law authorizes the creation of county rail districts to provide for rail freight service. The county legislative authority may resolve to submit the formation, modification, or dissolution of a district to the affected voters after public hearings on the proposition. Approval by majority vote is required to form a district.

SUMMARY:

Petition is authorized as an alternative method to form, modify or dissolve a county rail district. The petition must be signed by the owners of property valued at not less than 75 percent of the property affected. Upon the filing of such petition with the county legislative authority, the authority may accept

the petition and schedule a public hearing on the issue. Public notice is required with the petitioners paying the cost of notice publication.

Following the hearing, the county legislative authority is required to determine by resolution whether the area proposed shall establish, modify, or dissolve the district. Areas not described in the petition may not be included in the resolution.

All property annexed to a rail district by this boundary modification process is to assume all or any portion of the outstanding indebtedness of the district existing at the date of the modification.

VOTES ON FINAL PASSAGE:

Senate	41	3
House	96	0

EFFECTIVE: March 10, 1986

SB 4617

C 17 L 86

By Senators Peterson, Hansen and Patterson; by request of Department of Licensing

Permitting waiver of the drivers' examination for an instruction permit.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Legislation passed in 1965 required anyone applying for an instruction permit to take all examinations except behind-the-wheel testing before receiving a permit.

Mandatory driver education was enacted in 1967. The written knowledge testing required for a learner's permit by the Department of Licensing was creating problems for the schools relative to the scheduling of students for driver education classes. Parents protested that they were paying for driver ed classes so that their child could learn the rules of the road and receive a driver's license, yet the child was required to pass a knowledge test prior to taking the class. The Department of Licensing eliminated the advance testing program in 1968 due to the many problems it was creating; however, the statute is still on record.

SUMMARY:

The Department of Licensing may waive the knowledge testing examination, with the exception of eyesight and potential physical restriction testing, for students enrolled in driver education classes or commercial driver training schools. Proof of registration in such a course may be required.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4618

C 18 L 86

By Committee on Transportation (originally sponsored by Senators Guess, Peterson and Hansen; by request of Department of Licensing)

Revising the International Registration Plan.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

The 1985 Legislature updated the state's registration and fee structure, combining many fees into a single licensing fee to allow Washington to be eligible to enter the International Registration Plan (IRP). The Department of Licensing is requesting a change in the implementation date of the law from "January 1 of the year following the year in which the state becomes a member of the IRP" to January 1, 1987. This change will make it possible for the dissemination of information on Washington's fee structure to all IRP jurisdictions in sufficient time for them to program Washington's fees and taxes into their calculations. (One of the advantages of the IRP is that the other member jurisdictions will calculate and collect the fees/taxes that are owed to Washington state from prorated vehicles based in those jurisdictions.)

Washington law is not consistent with the federal heavy vehicle use tax formula for determining gross weight fees for buses.

SUMMARY:

Under the IRP, annual vehicle licensing fees are incorporated into one schedule based upon the licensed

gross weight of the vehicle. Current filing fees and the $2 identification fee are incorporated into the new schedule and are no longer imposed separately. The gross weight requirement for licensing a truck at 150 percent of its empty weight is changed from 5,000 to 6,000 pounds. Travel trailers and small personal use trailers, such as horse and boat trailers are excluded from the new license weight fee schedule. The former flat fee structure is retained for (1) fixed load vehicles used for (a) towing other vehicles, $25; and (b) transporting machinery, $5; and (2) circus, carnival or show related transporting vehicles, $10.

In lieu of the former gross weight fee credit, a new formula for license free credit is established. In case of sale, loss or destruction of a commercial vehicle, the registered owner may apply the unused portion of the vehicle license as a credit against licensing of a replacement vehicle. Special plates (medal or honor, disabled person, personalized, etc.) may be transferred to replacement vehicles.

The operator's seat of a for-hire bus with a seating capacity over six is included as part of the seating capacity in the formula used to determine the gross weight fees for the vehicle. The fees are based on the scale weight of each bus plus the seating capacity computed at 150 pounds per seat. (Previously, seating capacity was computed at 75 pounds per seat.)

The IRP program implementation date is moved from January 1989 to January 1988. The new license fee schedule takes effect January 1, 1987; collection under the new schedule begins with (1) renewal registrations with a December 1986 expiration date, and (2) January 1, 1987 initial registrations.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	95	1

EFFECTIVE: January 1, 1987

SB 4619

C 7 L 86

By Senators Bender, Sellar, Bluechel and Rinehart

Authorizing exchange of land for institutional purposes and declaring an emergency.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The Department of Social and Health Services operates several institutions which are situated on common school and forest board transfer trust lands. Echo Glen is a juvenile rehabilitation center on 192.5 acres in King County; Woodinville is a group home on 4.9 acres in King County; Canyon Lakes is a group home on 2.4 acres in Chelan County; and Fircrest is a developmental disability school on 51.2 acres in King County. The common school trust lands were granted to the state to support the common schools. The forest board transfer lands were acquired by county through tax delinquency foreclosure and then transferred to the state. DSHS must compensate these trusts for the use of these lands. These four facilities are, however, beneficiaries of another land grant trust (Charitable, Educational, Penal and Reformatory Institutions--CEP & RI). An exchange of land of equal value between these trusts would alleviate the payment to one trust by the beneficiaries of another trust because the use of the facilities would then fall within the scope of the CEP & RI grant.

SUMMARY:

The Department of Natural Resources is allowed to exchange common school trust and forest board transfer land which is leased by the Department of Social and Health Services for land of equal value from the CEP & RI trust. The four institution sites include Echo Glen, Canyon Lakes, Woodinville and Fircrest. After the exchange, DSHS will no longer be charged rent for these facilities as long as the lands are used for institutional purposes within the scope of the CEP & RI grant.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	97	0

EFFECTIVE: March 7, 1986

SB 4620

PARTIAL VETO

C 320 L 86

By Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee; by request of Select Committee on Petroleum Marketing Practices

SB 4620

Modifying provisions on the retail sale of motor vehicle fuel.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

Almost all gasoline service station operations in the state are run by lessee–dealers. Lessee–dealers lease their stations from their supplier but operate their stations independently and retain all profits from the operation. Most of these dealers purchase their gasoline directly from their supplier. The supplier may require that the dealer adhere to specific contractually established prerogatives in managing the business.

A number of dealers maintain that they are offered "take it or leave it" lease contracts in which they have no opportunity to negotiate over such matters as rental increases, credit card policies, minimum volume requirements, mandatory hours of operation, equipment purchases, or conversion to a self–serve only or convenience store outlet. If a dealer is dissatisfied with the agreement that is proposed, then the dealer must resort to federal law for relief.

The Petroleum Marketing Practices Act (PMPA) regulates the renewal and termination of leases. The Attorney General's Office estimated that it would take between two to eight years in federal court before a dealer could expect redress. Many dealers would like the option to seek relief in state court.

A number of dealers have expressed concern that the refiners give preferential treatment to their company–owned stores making it difficult for other stores to compete.

SUMMARY:

A separate franchise law is created to apply to agreements between motor fuel refiner–suppliers and motor fuel retailers. The provisions apply to motor fuel franchises or contracts entered into or renewed on or after June 30, 1986.

Motor fuel refiner–suppliers are prohibited: From requiring a retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner–supplier proves that its price to the retailer has been sufficiently low to enable the retailer to reasonably meet the mandatory minimum; altering provisions of the franchise during its effective term without mutual consent of the retailer; interfering with any retailer's right to assistance from counsel or to be active in a trade association; and from setting or compelling, directly or indirectly, the retail price at which the retailer sells motor fuel or other products to the public.

It is unlawful for a motor fuel refiner–supplier to discriminate in price between motor fuel retailers in the same marketing areas for purchases of motor fuel when the effect may be substantial harm to a retailer. If proof of determination is made, the refiner–supplier has the burden of rebutting the prima facie case.

The interest of a motor fuel retailer under a motor fuel franchise is considered personal property and devolves upon the retailer's death to a designated successor. This designated successor must be either the retailer's spouse, adult child, or adult stepchild. If no person is designated, then the interest passes to the spouse.

The retailer must be given the right of first refusal to purchase the real estate and improvements owned by the refiner–supplier at the franchise location. The retailer must be provided at least thirty days notice within which to exercise the right prior to any sale to any other buyer.

It is unlawful in the course of selling or offering to sell a franchise to make an untrue statement of a material fact or fail to state a material fact. It is also unlawful to engage in any fraudulent or deceitful act in connection with the sale or purchase of a franchise, or to violate any order of the Attorney General.

All parties to a motor fuel franchise must deal with each other in good faith. The provisions of the motor fuel franchise law are to be interpreted consistently with the provisions of the State Franchise Investment Protection Act. The Administrative Procedure Act governs all rights, remedies, and procedures.

Any motor fuel retailer injured by prohibited acts may bring an action in superior court to enjoin further violations and recover actual damages, costs, and reasonable attorney fees.

The Attorney General may bring an action to prevent prohibited actions. The prevailing party may recover costs and reasonable attorney fees.

The Attorney General is directed to study whether motor fuel refiner–suppliers injure competition from motor fuel retailers and report the findings to the Legislature by December 1, 1986. The Attorney General may use all civil investigative demand powers as authorized by law.

Appropriation: $49,000 is appropriated to the Attorney General from the motor vehicle fund.

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	92	5	(House amended)
Senate	42	3	(Senate concurred)

EFFECTIVE: April 4, 1986 (Sections 20 and 21)
June 30, 1986

PARTIAL VETO SUMMARY:

The prohibition against arbitrary and unreasonable price discrimination by motor fuel refiner–suppliers against motor fuel retailers in the same marketing area is removed, along with a related definition and exemption. (See VETO MESSAGE)

2SSB 4626

PARTIAL VETO

C 298 L 86

By Committee on Ways & Means (originally sponsored by Senators Warnke, Fleming, Moore and Williams)

Establishing the housing trust fund to assist low–income persons to obtain housing.

Senate Committee on Commerce & Labor

Senate Committee on Ways & Means

House Committee on Trade & Economic Development

BACKGROUND:

With the rapid decline of federal participation in low income housing programs since 1980, the state and local communities have been falling behind in meeting this persistent need. According to census figures and data compiled by the Department of Housing and Urban Development, over 120,000 families with incomes below 50 percent of the state average are unable to find housing that is safe and decent at a price which represents no more than 30 percent of their income.

Although Washington has established the State Housing Finance Commission to provide mortgage assistance to low and middle income households, those programs do little to provide the deep subsidy that is needed for families at incomes of roughly $15,000 and below.

Several states facing similar problems have explored a renewable non–general fund revenue source to place in a low income housing trust fund. Local governments and charitable non–profit housing assistance groups then make loan and grant applications to the fund to construct, rehabilitate or preserve low income and very low income housing.

A rapid de–institutionalization of the mentally ill and the rising number of single parent families are examples of two special populations that are not only in need of housing assistance, but related services as well.

Several sources of funds have been explored by other states including the state wide aggregation of interest on short term nominal real estate accounts. These include interest on earnest money deposits and escrow accounts, interest on prepayment of taxes and insurance, interest on tenants' security deposits, interest on utility deposits, and revenue on unclaimed property.

SUMMARY:

A housing trust fund is established with the treasurer serving as trustee and the program administered by the Department of Community Development.

The Department of Community Development would administer a competitive grant and loan program. Eligible applicants are local governments, local housing authorities, non–profit community or neighborhood based organizations, and regional or state wide non–profit housing assistance organizations. A non–exclusive list of eligible activities includes construction and rehabilitation of single room occupancy units, rent subsidies for multi–family units, matching funds for social services related to providing housing for special need groups, emergency shelters, and mortgage subsidies for new construction or rehabilitation of multi–family units. All projects must be for the benefit of persons or families at or below 50 percent of the median family income.

The Department is directed to give preference for applications based on certain criteria: (a) the degree of leveraging of other funds that will occur, (b) recipient contributions, (c) projects that encourage ownership or other project related responsibility opportunities, and (d) projects that provide housing for persons and families with the lowest incomes.

The Department is given authority to provide technical assistance to local groups to help them develop projects, and to let contracts to non–profit organizations to provide this technical assistance. These services would include financial planning and packaging, project design, compliance with local planning

requirements, and securing matching resources. The Department is also given authority to monitor the activities of recipients of grants to make sure that the projects continue to serve low income people.

The Department is given rule making authority and the responsibility to report on the program to the Legislature.

No funding sources are provided. It is anticipated that an interim study will be conducted to identify the best funding sources.

VOTES ON FINAL PASSAGE:

Senate	38	10
House	66	30

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The provision requiring the Treasurer to transfer program funds to the Director of the Department of Community Development upon request of the Director is deleted.

Provision for an advisory committee to assist the Department in implementation of the chapter is removed. (See VETO MESSAGE)

SSB 4627

PARTIAL VETO

C 321 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Hayner, Vognild and Garrett)

Changing regulation of the cigarette industry to eliminate predatory cigarette pricing.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Unfair Cigarette Sales Below Cost Act was enacted in 1957 in order to preclude sales of cigarettes below cost and prevent the use of cigarettes as loss leaders at a wholesale or retail level. The act prohibits cigarette wholesalers and retailers from injuring competition or destroying or substantially lessening competition by advertising, or selling cigarettes at less than cost.

The act provides a formula for determining "cost to the wholesaler and retailer". For wholesalers it is presumed to be 4 percent of manufacturer's invoice price, with an additional 1/2 percent if cartage is provided. For retailers it is presumed to be 12-1/2 percent of the invoice price. An exception is made for wholesalers and retailers that provide the Department of Revenue with satisfactory proof of a lessor cost of doing business. To date, several cigarette wholesalers have filed with the Department satisfactory proof of a 2-1/2 percent cost of doing business.

A common practice in the cigarette business, primarily at a wholesale level is the granting of "cash discounts" by manufacturers to those wholesalers that make prompt cash payments for goods. The standard discount is currently 3-1/4 percent provided cash payment is made within nine days of delivery of goods. Wholesalers and retailers are permitted to include or exclude cash discounts in determining their cost of cigarettes. Wholesalers and retailers that receive cash discounts are required to execute and obtain a sworn affidavit from the person granting the discount.

The act underwent a performance audit by the Legislative Budget Committee in 1985 and is scheduled to expire June 30, 1986. The Legislative Budget Committee recommended a gradual phase out of the act through July 1, 1991, and thereupon transfer of the licensing provisions to the Tax on Cigarettes Act.

SUMMARY:

The disposition of the manufacturer's cash discount is not at the discretion of a wholesaler. The basic cost of cigarettes is determined to be the sum of the manufacturer's invoice price and state cigarette tax. The requirement that wholesalers and retailers submit sworn affidavits regarding cash discounts is removed.

The "cost of doing business" which is a percentage of the basic cost of business is phased out over a five-year period. For a wholesaler, the presumed cost of doing business is:

(a) 4% until July 1, 1987;
(b) 3-1/2% from July 1, 1987 until July 1, 1988;
(c) 3% from July 1, 1988 until July 1, 1989;
(d) 2-1/2% from July 1, 1989 until July 1, 1990, and
(e) 2% from July 1, 1990 until July 1, 1991.

For retailers the presumed cost of business is:

(a) 11-1/2% until July 1, 1987;
(b) 10-1/2% from July 1, 1987 until July 1, 1988;
(c) 9-1/2% from July 1, 1988 until July 1, 1989;

(d) 8-1/2% from July 1, 1989 until July 1, 1990, and
(e) 7-1/2% from July 1, 1990 until July 1, 1991.

The expiration date of June 30, 1986 is repealed. A new repeal date is set on July 1, 1991. On July 1, 1991 the licensing of cigarette wholesalers and retailers is transferred to the Tax on Cigarette Act administered by the Department of Revenue. There is a grandfather clause for licenses in good standing on July 1, 1991. Cigarette sales below actual price constitute unfair or deceptive acts of practices under the Consumer Protection Act.

VOTES ON FINAL PASSAGE:

Senate	34	12	
House	50	46	(House amended)
Senate	34	9	(Senate concurred)

EFFECTIVE: June 11, 1986
July 1, 1991 (Sections 1 and 4-14)

PARTIAL VETO SUMMARY:

As a result of the partial veto, the disposition of the manufacturer's cash discount is at the discretion of cigarette wholesalers, and the requirement that cigarette wholesalers and retailers submit sworn affidavits regarding cash discounts is maintained. (See VETO MESSAGE)

SB 4628

C 130 L 86

By Senators Gaspard, Rinehart and Benitz

Specifying the number of members constituting a quorum for the college board.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

The number of members who comprise the State Board for Community College Education was originally set at seven, one from each congressional district. In 1982, the Legislature increased the number to eight to correspond with the increase in the number of Washington's congressional districts. Despite the increase in board membership, the number of persons required for a quorum of that board remained at four. The Attorney General's Office has suggested that the quorum requirement be increased from four to five.

SUMMARY:

Obsolete references in portions of statute affecting the State Board for Community College Education are removed, and the number of members required for a quorum of that board is increased from four to five.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	80	17	(House amended)
Senate			(Senate refused to concur)
House	85	10	(House receded)

EFFECTIVE: June 11, 1986

SSB 4629

C 27 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Talmadge, Sellar, McDermott, Granlund, Zimmerman and Lee)

Reauthorizing the examining board of psychology.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Washington State Sunset Act (Chap. 43.131 RCW) provides for termination of the powers and duties of the Examining Board of Psychology on June 30, 1986. The Act requires the Legislative Budget Committee (LBC) to conduct a program and fiscal review of the Board prior to termination and report its findings and recommendations to the appropriate House and Senate standing committees.

The statute regulating psychologists (Chap. 18.83 RCW) requires practitioners to meet certain educational and training standards and authorizes them to use the title "psychologist." This affords the public limited protection in view of their vulnerability when revealing their personal feelings and thoughts to a psychologist.

The LBC has reviewed the efficiency and effectiveness of the Board in carrying out its responsibilities and has recommended continuation.

SSB 4629

SUMMARY:

The Examining Board of Psychology is continued.

The Board is authorized to require psychologists to obtain and maintain professional liability insurance in amounts determined by the Board. Failure to maintain professional liability insurance when required by the Board will result in the revocation or suspension of a psychologists's license.

A copy of a judgment against a psychologist for professional negligence or for a criminal conviction relating to a professional confidence shall be transmitted by a court to the disciplinary committee.

Psychologists are required to provide clients with disclosure information which informs clients of financial requirements; their right to refuse treatment resources; and to choose the provider and treatment modality which best suits their needs; and to confidentiality. The receipt of such information is acknowledged in writing by both the client and the psychologist. Disclosure statements must be posted in a conspicuous location in a health facility. The Board is required to adopt modified provisions on disclosure that apply to clients who have been referred by a court or government agency to a psychologist for evaluation or treatment.

The chapter is redrafted to incorporate non-sexist language.

The 1986 sunset provision for the Board is repealed and a new sunset date of June 30, 1992 is established.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4630

C 305 L 86

By Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to civil actions.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Many individuals and businesses have experienced significant increases in liability insurance premiums. These individuals and businesses are of the opinion that several areas of the tort system need to be modified to limit their exposure to claims and to reduce the dollar amount of court awards. It is their perception that insurance premiums will decrease if the tort system is modified to protect defendants from large court judgments.

SUMMARY:

Accelerated Physician-Patient Privilege. The physician-patient privilege is modified. A person who files an action for personal injuries or wrongful death must elect whether to waive the privilege within 90 days of filing the action. If the privilege is not waived, the person may not put his or her mental or physical condition in issue.

Attorneys' Fees. In any tort action, the court is to determine the reasonableness of a client's attorneys' fees if the client requests the court to do so. The section applies to agreements entered into after the effective date of the act.

Limit on Non-Economic Damages. In actions based on fault where the claimant seeks damages for personal injury or property damages, non-economic damages are limited to the average annual wage as defined in RCW 50.04.355, multiplied by the life expectancy of the claimant, multiplied by 0.43. Non-economic damages mean subjective, nonmonetary losses, such as pain, suffering, inconvenience, mental anguish, disability or disfigurement and emotional distress. The jury is not to be informed of the limit on noneconomic damages.

Joint and Several Liability. Joint and several liability for damages is eliminated in cases where the party suffering bodily injury or incurring property damage is also at fault. Each defendant is liable only for those damages allocated to that defendant based on his or her percentage of fault. Joint and several liability applies in cases which involve the tortious interference with contract or business expectations and cases which involve the manufacturing or marketing of a product which causes injury to the claimant which cannot be attributed to the conduct of a particular defendant. Joint and several liability also applies in causes of action relating to hazardous wastes or solid waste disposal sites.

Industrial Insurance Actions. In third party actions where the employer and/or the co-employee are at

fault, no deductions from the claimant's award or settlement are made for industrial insurance compensation and benefits paid to the claimant.

Negligence Per Se. A breach of a duty imposed by statute, ordinance, or administrative rule is not to be considered negligence per se but considered by the trier of fact as evidence of negligence, except to any breach of duty relating to electrical fire safety or use of smoke alarms. Negligence per se applies in cases where a person is intoxicated by liquor or drugs and whose actions are found to be more than 50 percent the cause of that person's injuries.

Limitations on Actions. A cause of action does not exist if injuries were incurred in the process of committing a felony that does not involve the exercise of civil rights under federal law.

Indemnification Agreements. Indemnification contracts involving concurrent negligence of the indemnitee (i.e. general contractor) and the indemnitor (i.e. subcontractor) are valid and enforceable only to the extent of the indemnitor's negligence and only if the contract expressly provides for such liability. The indemnitor's immunity under industrial insurance may be waived if it is mutually negotiated and agreed to by the parties. The section applies to indemnification agreements entered into after the effective date of the act.

Builder Limitation Statute. The builder limitation statute applies equally to all construction claims, whether brought by an individual, a school district, a municipal subdivision, or the state.

Periodic Payment. In actions based on fault where the claimant seeks damages for personal injury or property damage, any award for future damages which equals or exceeds $100,000 is to be paid in periodic payments instead of a lump sum. The court must make specific findings as to the dollar amount of periodic payments which will compensate the claimant for future damages. Each party must submit a proposal for payment of future damages, using specified criteria. The court is to formulate a plan which best compensates the claimant. Periodic payments are subject to modification only in the event of the death of the judgment creditor. Upon the death of the judgment creditor, the court may modify the award and apportion the unpaid future damages. Money damages for loss of future earnings may not be reduced or terminated.

Health Care Statute of Limitations. All medical malpractice actions must be brought within three years of the negligent act or within one year of discovery, whichever is later, but not longer than eight years after the negligent act or omission. For purposes of when the action should have been discovered, the knowledge of a custodial parent or guardian is imputed to a minor.

Insurance Provisions. Policy holders are to be given a credit on premiums paid where the Insurance Commissioner determines a credit should be given based on sound actuarial principles. The Commissioner is given the authority to require a market assistance plan to assist persons who are having a difficult time getting insurance. The Insurance Commissioner is to report to the Legislature by January 1, 1991 on the effects of this act on insurance rates and availability of insurance.

Civil Immunity. A member of a board of directors of a nonprofit corporation, hospital, or school district is immune from civil liability unless the act constitutes gross negligence.

Application. The act applies to actions filed on or after August 1, 1986.

VOTES ON FINAL PASSAGE:

Senate	32	13	
House	66	31	(House amended)
Senate	31	16	(Senate concurred)

EFFECTIVE: April 4, 1986

SSB 4635

C 11 L 86

By Committee on Energy & Utilities (originally sponsored by Senators Williams and Saling; by request of Utilities and Transportation Commission)

Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

A number of small utilities that fall under the jurisdiction of the Utilities and Transportation Commission are failing to submit to regulation. To pursue these firms the UTC currently must go to the court and seek a "cease and desist" order. The UTC already has

authority to order transportation firms to submit to regulation.

SUMMARY:

The UTC is authorized to hold fact-finding hearings to determine whether a company is subject to the utility laws. The burden of proof is on the UTC to show the firm is a public service company. If the UTC finds a company is subject to regulation, it can classify the company as regulated, and it can issue its own cease and desist orders. These orders are enforced by the court.

VOTES ON FINAL PASSAGE:

Senate	40	0
House	95	0

EFFECTIVE: June 11, 1986

SSB 4639

C 159 L 86

By Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedures for filling vacancies in elective offices.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

Article II, Section 15 of the State Constitution directs county legislative authorities to fill vacancies that occur in county partisan elective office or in state legislative office. SSJR 138, a proposed amendment to Article II, Section 15, would provide additional guidance in the filling of vacancies, if the voters ratify the measure in the November, 1986 general election. A number of provisions in SSJR 138 must be implemented in statute.

SUMMARY:

Language is added to a statute concerning vacancies on boards of county commissioners to clarify that vacancies are to be filled in the manner provided by SSJR 138. The proposed constitutional amendment contains language requiring the Governor to fill vacancies on a county legislative authority to establish a majority of filled positions; this majority would fill the remaining vacancies.

State legislative and county elective office vacancies are to be filled in accordance with specified time limits, which SSJR 138 directs the Legislature to prescribe in statute. A state or county party central committee submitting a list of nominees must do so within 14 days of the occurrence of a vacancy. A county legislative authority must make an appointment within 28 days of the occurrence of the vacancy. SSJR 138 provides that if the county legislative authority cannot agree upon an appointee within this time limit, the Governor acquires the appointive authority. Under this appointive authority, the Governor must select an appointee within 42 days of occurrence of the vacancy; thus, the Governor has 14 days to fill the position.

If the Governor must make an appointment or appointments to a county legislative authority to establish a majority of filled positions, he or she has 28 days from the occurrence of each vacancy to fill each position.

The proportional voting system specified in SSJR 138 for the filling of vacancies in multi-county state legislative districts is elaborated in detail. The chairperson of the county whose population within the multi-county district is greatest chairs the meeting at which the appointee is selected. Members of each county legislative authority cast individual votes that, together, amount to the percent, rounded to the nearest whole number, that the population of the county within the legislative district bears to the population of the entire legislative district. Populations will be determined by the most recent federal census and shall exclude nonresident military personnel. The person receiving a majority percentage of the votes is appointed to fill the vacancy.

The provisions of this bill are void if SSJR 138 is not ratified by the people. If the proposed constitutional amendment is adopted, the bill will take effect on December 15, 1986.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	89	7	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	93	5
Senate	41	1

EFFECTIVE: December 15, 1986
(Pending approval of SSJR 138)

SB 4644

C 21 L 86

By Senators Vognild, Newhouse, Wojahn and Rasmussen; by request of Employment Security Department

Including tips as wages for unemployment compensation purposes.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Currently, the state of Washington does not consider tips given directly to workers as wages. Hospitality industry workers receive a substantial portion of their income from tips and gratuities. Federal tax law requires workers to report tip income to their employers. These tips are reported to the Internal Revenue Service. Direct tip income is not considered wages in the calculation of unemployment compensation benefits. Consequently, workers with direct tip income have a lower percentage of their wages replaced when drawing unemployment compensation. Inclusion of direct tips as income has the effect of raising the total benefits and weekly benefit amount for most fully unemployed workers with tip income while lowering the weekly benefit for each week that a worker is partially unemployed.

The federal Budget Reduction Act of 1984 (HR 4170) included tips as income for Federal Unemployment Tax Act (FUTA) taxes. Washington State is covered by an exemption that includes an effective date of January 1, 1987. Unless state law is changed, Washington State employers will pay higher FUTA taxes without increased benefits for laid off workers. Current federal law allows a 90 percent tax credit for state unemployment insurance taxes to be placed against FUTA tax liabilities. Therefore, any increase in state unemployment insurance taxes will be largely offset by a reduction in FUTA taxes paid on hospitality industry workers.

SUMMARY:

Employers are required to pay unemployment insurance taxes on direct tip income reported to the Internal Revenue Service. Direct tip income will be included in the calculations of total benefits and the weekly benefit amount for fully and partially unemployed workers. The statutory definitions of wages and remunerations are amended to include direct tips as income.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: June 11, 1986

SB 4645

C 110 L 86

By Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying provisions on unemployment coverage of corporate officers.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Current law excludes a corporate officer from unemployment insurance coverage when serving "in the capacity of" a corporate officer. It also allows election of coverage of corporate officers and requires employers to notify corporate officers when coverage is not elected. However, the current statute is confusing to employers and their corporate officer employees. This results in incorrect tax reports and payments, misunderstandings over coverage limitations, and audit difficulties.

SUMMARY:

The reference "in the capacity of" in the corporate officer provision is deleted. Employers shall give written notice to corporate officers excluded from coverage.

VOTES ON FINAL PASSAGE:

Senate	45	2
House	96	0

EFFECTIVE: July 1, 1986

SB 4647

C 111 L 86

By Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying employer experience rating definitions.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The 1984 Legislature enacted Substitute Senate Bill 4416 which established a highly structured experience rating unemployment insurance (UI) tax system. The tax system measures each employer's unemployment experience over a four-year period from the UI benefit charges against the employer. The Department of Employment Security has encountered technical problems in the implementation of the system.

The basic requirement for a "qualified employer" is that the employer have three years of experience in Washington's program but employers with only two years of experience may also qualify. The Department contends the current language is confusing to employers.

Current law provides certain instances in which a delinquent employer can qualify for an assigned tax rate. If the amount owed is $25 or less, or 1/2 of 1 percent of the employer's total tax for the previous year, that amount was disregarded only if the employer demonstrates to the satisfaction of the Commissioner that he acted in good faith. In practice, each employer who fell within the limit was presumed to have acted in good faith and was allowed.

An administrative difficulty occurred in interpreting whether employers who had not filed reports could or should be considered technically delinquent under current law. Although the wording does not specifically mention "reports," it is the Department's position that the report itself provides the basis for establishing the amount owed and that technically no amount is owed until the report is filed.

The current law establishes UI coverage of domestic services performed in private homes, college clubs, fraternities or sororities. The Department contends that new employers of domestic workers in private homes are unaware of all the legal obligations involved in being an employer. If they fail to register with the Department when they first become employers, they may find themselves assigned the delinquent tax rate of 5.4 percent.

The Department asserts that two definitions are unnecessary. "Experience rated year" has not been used in this chapter since 1970. "Acquire" is inappropriately defined as it relates to the predecessor and successor relationship.

On February 10, 1986, the Department was informed by the U.S. Department of Labor that RCW 50.29.090 is not in conformance with federal law. The law pertains to the calculation of marginal labor force attachment savings for the purpose of experience rating.

SUMMARY:

The basic requirement for qualifications shall be that employers must have two years of experience in Washington's unemployment insurance program. The requirement that certain delinquent employers demonstrate good faith is eliminated when the amount owed is small. The provision that all contributions, penalties and interest be current is extended also to reports. Employers of domestic workers shall have the opportunity to avoid a delinquent tax rate by demonstrating that they acted in good faith. The unnecessary terms of "acquire" and "experience rated year" are deleted.

A federal severability clause is added to the current law on the calculation of marginal labor force attachment savings.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4658

C 146 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Conner, McDonald and Moore; by request of Department of Social and Health Services)

Changing provisions relating to alternatives to state residential schools for the handicapped.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Current law (RCW 72.33.125) gives the parent or guardian of a developmentally disabled person the authority to develop an alternative placement and service plan in cooperation with the Department of Social and Health Services' Division of Developmental Disabilities. The plan is an alternative to those services presently being provided to the person by the Department. These alternative plans are known as "Program Options Services" and were authorized in 1983. The 1983 program options language was an amendment to the broader home aid program established by the Legislature in 1975. The major sources of funding for the program come from federal Title 19 funds and the state general fund.

The statute requires the Secretary of Social and Health Services to annually notify all developmentally disabled clients that they may propose program option plans. The Secretary shall approve the plan using the following criteria: (1) The program creates less dependency than current services provide; (2) the alternative plan is appropriate under the goals and objectives of the individual's program plan; (3) the alternative plan is not in violation of applicable state and federal law; (4) the necessary services can reasonably be made available; and (5) the alternative plan is not more costly than the current plan.

SUMMARY:

In addition to the existing criteria for alternative service programs for the developmentally disabled, funds must be available for program options if the Department continues to allow this type of placement. Option plans will be allowed only if there is no reduction of funds to existing clients of the Department of Social and Health Services. The Secretary is required to report biennially on the progress of the program to the Legislature. The report will include data on program use, an explanation of the Secretary's actions when a program option has been denied, costs of implementing program options, savings created by use of the program options and projected use and funding needs for the ensuing biennium.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	96	1	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4659

C 220 L 86

By Committee on Judiciary (originally sponsored by Senators Talmadge, McDonald, Wojahn and Moore; by request of Department of Social and Health Services)

Providing for the nonrecognition of separate property agreements in medical care eligibility determinations.

Senate Committee on Judiciary

House Committee on Ways & Means

BACKGROUND:

Prior to the Purser v. Rahm decision by the Washington Supreme Court, the Department of Social and Health Services followed the "name of the instrument" rule in determining Medicaid eligibility. Under this rule, DSHS counted as income of the applicant all income received by that person in his or her name, regardless of the "community" characterization of that income under the state's community property laws. As a result of the Purser decision, DSHS is now determining ownership of income according to state community property law.

The Purser ruling has assisted couples where the primary wage earner is in the nursing home, since the spouse living at home now has more money. However, the decision has hurt couples where the primary wage earner is at home, and the spouse is in the nursing home. For some spouses at home, giving up half their income puts them below the poverty level, and forces a choice of either a very low standard of living or divorce of their spouse to retain their income.

Also as a result of the Purser decision, DSHS is concerned that separate property agreements are being used to transfer community income or earnings from one spouse to the other. This creates the opportunity for any married applicant in a nursing home to reduce his/her income and qualify for Medicaid. This practice would result in increasing Medicaid nursing home caseload far beyond current levels.

SUMMARY:

In determining Medicaid eligibility, if the community income received in the name of the spouse at home exceeds that of the spouse in the nursing home, the

spouse in the nursing home's interest in that excess income is to be considered unavailable to that person. Instead, all of that income may be kept by the spouse at home.

Interspousal agreements, which transfer or assign rights to future income, are invalid for purposes of determining eligibility for Medicaid. Transfers of resources between spouses are not affected, and income from transferred resources will continue to be recognized as separate income.

Appropriation: $2,709,000

VOTES ON FINAL PASSAGE:

Senate	39	9	
House	96	0	(House amended)
Senate	38	8	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4661

C 264 L 86

By Committee on Governmental Operations (originally sponsored by Senators Fleming, Granlund, Bender, Wojahn, Zimmerman, Deccio, Bottiger, McDermott, Talmadge, McManus, Bauer and Kreidler)

Extending the authority of the Washington state housing finance commission.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

When the state's original housing finance legislation was enacted in 1983, the Legislature imposed several limitations on the Commission's financial activities. One was to set a termination date of June 30, 1986, on the Commission's power to issue bonds; a second was to limit outstanding indebtedness to $1 billion at any one time. The Commission reports that, by the end of 1985, its total bonded indebtedness was approaching $900 million.

Related to the issue of the amount of the debt limitation is what method to use as the base for calculating outstanding debt. The current law is silent on this point.

Another feature of the original statute is a formula by which 80 percent of the maximum amount of bonds allowable to Washington State under federal tax provisions would be available for the Commission's own projects, with 20 percent initially available to other local housing entities (normally housing authorities). The statute also limited the allocation to 1983 and 1984 because of concern at the time about possible Congressional limitation on the tax-exempt status of mortgage bonds. Making the allocation permanent and applying it to any ceiling on bonds would provide more flexibility for the Commission.

SUMMARY:

The termination date for the Commission's power to issue bonds is removed, and the outstanding debt limit is increased to $1.5 billion from $1 billion.

A two-part formula is added for calculating outstanding indebtedness. The base is specified as the initial principal amount of bonds sold, not including interest payable or that accrues as part of the face amount. Excluded from the base are bonds or notes for which the Commission's obligation has been satisfied by refunding or payment from reserves or other sources.

The time limit on the bond allocation formula is removed, and the language is revised to cover any state ceiling with respect to housing.

A new requirement is added for an annual audit of the Commission by the State Auditor, including a determination of whether the use of bond proceeds complies with the Commission's general housing finance plan, and use of financing assistance for cost-effective energy efficiency measures in dwellings.

VOTES ON FINAL PASSAGE:

Senate	30	18	
House	69	27	(House amended)
Senate	28	19	(Senate concurred)

EFFECTIVE: April 3, 1986

SSB 4664

C 191 L 86

By Committee on Energy & Utilities (originally sponsored by Senator Williams)

Requiring liability insurance for low-level radioactive waste operations.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

A commercial low-level radioactive waste disposal site is operated on the Hanford reservation. The State of Washington licenses the site operator, a private firm, and acts as landlord on the site. The operator is required to hold harmless the state for any damages. The state currently requires that the site operator carry $1 million in liability coverage as a condition of the operator's sublease, but there are no insurance requirements in statute or the license. The liability requirement has not been raised since the site was opened in 1965.

The State Radiation Control Branch also issues site use permits to generators, packagers, and brokers who dispose of radioactive material at the site. Site users also must hold harmless the state for up to $5 million in damages. Radiation Control does not verify that the site user has insurance or financial resources to back up the hold harmless statement.

Radioactive waste carriers also are required to carry $5 million in liability insurance. However, the State Patrol's safety inspection does not include a verification that the truck's insurance is in force. Insurance is verified by the Utilities and Transportation Commission for trucks, but this does not include all trucks carrying waste within Washington.

SUMMARY:

The operator of a low-level radioactive waste site and radioactive waste generators, packagers, and brokers are required to hold harmless the State of Washington for any damages and to carry liability insurance as required by the Department of Ecology.

The Department of Ecology is directed to review the risks of radioactive waste operations and establish insurance requirements for site users and the site operator. The Department cannot set the requirement above the amount of private insurance available and must require the maximum available unless it finds less coverage would be adequate. The Department must establish requirements by December 1, 1987 and review its insurance requirements at least every five years.

The State Radiation Control Branch and the Department of Ecology are required to verify insurance coverage before either issues a radioactive materials license or site use permit and to suspend the license or permit of anyone who fails to demonstrate coverage. The Utilities and Transportation Commission is directed to notify Radiation Control when any regulated carrier transporting radioactive materials loses its insurance coverage.

VOTES ON FINAL PASSAGE:

Senate	46	2
House	97	0

EFFECTIVE: June 11, 1986

SSB 4665

C 160 L 86

By Committee on Financial Institutions (originally sponsored by Senators Moore, Sellar and Bottiger)

Allowing treasurers to deposit public funds in institutions outside the state of Washington.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Public funds may only be deposited in qualified public depositaries located in the state of Washington.

SUMMARY:

The Public Deposit Protection Commission may, if good cause has been shown, authorize a treasurer to maintain a demand deposit with a bank outside the state under terms specified by the Commission. Demand deposits authorized must be solely for the purpose of transmitting money received to financial institutions in the State of Washington for deposit.

The Commission may also authorize state and local governmental entities to establish demand accounts in banks of foreign countries, but the Commission will not be responsible for insuring such accounts.

VOTES ON FINAL PASSAGE:

Senate	42	1	
House	96	0	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4674

C 161 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson and Warnke)

Providing adjustments to salaries of elective state officials.

Senate Committee on Governmental Operations

House Committee on Ways & Means

BACKGROUND:

Compensation of state officers is based on Article XXVIII, Section 1, of the State Constitution, which authorizes the Legislature to establish the specific amounts of compensation received by all elected state officials.

The State Committee on Salaries was created to recommend maximum salaries for directors of state agencies, other appointive officials, and state elected officials, including judges and legislators. The recommendations for elected officials do not become effective without legislative action.

Salaries have not changed since 1980, except that judges' salaries were last increased in 1982. The December 1984 report of the Committee on Salaries recommended the maximum salaries for elective state officers based on a point system which compares the duties of each elected official with those of appointed officials. The report suggested that providing salary increases for elected officials would bring their compensation closer to those in the executive branch. However, the schedule was not implemented by law.

SUMMARY:

Effective January 1, 1987, the salaries for statewide elected officials are increased in two stages to conform to the 1984 recommendations of the State Committee, as follows: Governor -- $74,900 in 1987 and $86,800 in 1988; Lieutenant Governor -- $41,200 in 1987 and $53,800 in 1988; Attorney General -- $55,450 in 1987 and $63,800 in 1988; Superintendent of Public Instruction and Commissioner of Public Lands -- $53,300 in 1987 and $63,800 in 1988; Auditor, Insurance Commissioner, and Treasurer -- $46,450 in 1987 and $55,700 in 1988; and Secretary of State -- $42,400 in 1987 and $53,800 in 1988.

Legislators' salaries are increased as follows:

-- $14,500, effective January 12, 1987;
-- $15,000, effective January 1, 1988;
-- $16,000, effective January 9, 1989; and
-- $17,000, effective January 1, 1990.

The State Committee on Salaries must reexamine the duties and compensation of all statewide elected officials, and submit new recommendations in a report to the Legislature no later than December 31, 1986. The salary for a pro tempore district court judge is revised to an amount set by the county legislative authority, instead of 1/250th of the judge's annual salary for each day the judge holds session.

VOTES ON FINAL PASSAGE:

Senate	30	17	
House	56	41	(House amended)
Senate	31	14	(Senate concurred)

EFFECTIVE: June 11, 1986
January 1, 1987 (Section 1)

SB 4675

PARTIAL VETO

C 280 L 86

By Senators Vognild, Guess, Garrett, Bender, Hansen, Sellar, Barr, Patterson, Metcalf, DeJarnatt, Johnson and Zimmerman

Repealing the mandatory vehicle license plate replacement program.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Beginning in 1989 and as a result of legislation passed in 1983, motor vehicle license plates will be required to be replaced every five years in order for a vehicle owner to obtain new certificate of title or new registration. During review of SHB 482 in 1983 the Legislature concluded that the reflectorized sheeting material, used on license plates since 1968, begins to deteriorate after five years. Loss of this reflectivity was considered to be a detriment to safety and law enforcement.

Since 1983 much concern has been registered by County Auditors regarding the administrative costs of implementing this plate replacement schedule and by

classic car owners who submit that loss of a vehicle's original license plate diminishes its value.

SUMMARY:

RCW 46.16.275, which requires replacement of vehicle license plates every five years, is repealed. In addition, a centennial license plate replaces the state's regular green and white vehicle license plate. Beginning January 1, 1987, centennial plates are issued to motor vehicles with new registrations and vehicle owners with existing registrations that require or opt for replacement plates.

An additional $1 per plate fee is imposed; half is deposited in the Centennial Commission Account (CCA) of the General Fund, and half is deposited in the Motor Vehicle Fund from January 1, 1987 to June 30, 1989. After June 30, 1989, the total amount will be deposited in the Motor Vehicle Fund.

Funds deposited in the CCA are distributed by the Centennial Commission for state and local centennial activities. One-half of the amount deposited in the Account is to be distributed to counties based on the number of centennial plates issued to residents in the county. An expiration date of December 31, 1993 is established for expenditure of funds in the CCA. Any remaining balances in the Account revert to the General Fund following expiration.

A vehicle fleet shall be defined as a group of five vehicles or more registered in the same name, whose owner has been assigned a fleet identifier code by the Department.

The effective dates are changed as follows: January 1, 1987, issuance of centennial plates; January 1, 1987--June 30, 1989, plate revenues divided between CCA and MVF; December 31, 1993, expiration of the CCA.

VOTES ON FINAL PASSAGE:

Senate	42	6	
House	96	0	(House amended)
Senate	44	1	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

That portion of section 2 which permits the owner of five or more vehicles to register them as a "fleet" is vetoed. Fleet registration will continue to be governed by administrative rule, which currently requires a minimum of 15 vehicles in common ownership in order to qualify. (See VETO MESSAGE)

SSB 4676

C 310 L 86

By Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Hansen, McManus and Owen)

Modifying worker right to know employer fee provisions.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

In 1984, the Legislature passed 2nd Substitute Senate Bill 4831, the Worker and Community Right-to-Know Act. The act declared that beginning in 1986 the Department of Labor and Industries would collect from those employers who have hazardous substances present at their workplaces an assessment of 75 cents per employee. The fees were to be collected in a cost-efficient manner. Which employers had hazardous substances present at their workplace would be determined from the results of a workplace survey submitted by each employer to the Department of Labor and Industries.

On March 30, 1984 the Governor vetoed the portion of 2nd SSB 4831 that provided for the workplace surveys. The Department has no other way to determine which businesses have hazardous substances. In the fall of 1985, the Department billed more than 32,000 businesses 75 cents each, because they have just one employee. There is some question as to whether this was cost-efficient.

SUMMARY:

The Department of Labor and Industries shall assess employers in the agriculture, forestry, mining, construction and manufacturing, industries and employers in the transportation, communications, electric, gas, sanitary, automotive, miscellaneous repair, health and educational services, an annual fee. An employer may appeal the assessment of the fee or any penalty.

The fee shall be established for each employer who reported 10,400 or more work hours (five employees) in the prior calendar year. The fee shall not be more than $2.50 per full-time equivalent employee. The annual fee shall not exceed $50,000.

The Department shall adopt rules allowing employers who do not have hazardous substances at their

workplace to request an exemption from the assessment.

VOTES ON FINAL PASSAGE:

Senate	45	3	
House	67	29	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4678

C 192 L 86

By Senators Vognild, Newhouse and Warnke

Revising provisions relating to job site safety inspections.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Washington Industrial Safety and Health Act provides for on-site health and safety inspections of workplaces. The statute gives an opportunity to an employer representative and a representative employee authorized by the employees of that employer to participate in the physical inspection. Union representatives such as business agents and health and safety personnel who are not employed by that employer do not have the legal right to participate in the inspection.

Proponents argue employees can be intimidated or harassed by employers for active participation in safety inspections. In many cases, highly trained union representatives may be able to point out hazardous conditions which less trained employees may be unable to recognize. Opponents argue the current statute provides equal and adequate representation for the employer and employee bargaining units in health and safety inspections.

SUMMARY:

The act is amended to give an opportunity for one representative of the employees' collective bargaining unit who is not employed by the employer to participate in on-site health and safety inspections of that employer's workplace.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	94	2

EFFECTIVE: June 11, 1986

SB 4680

C 162 L 86

By Senators Rasmussen, Talmadge, Wojahn, Kiskaddon, Deccio and McDonald; by request of Department of Corrections

Revising provisions relating to institutional industries.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Department of Corrections has statutory authority to establish various work programs to offer inmates work experience and training in legitimate industries. A portion of the wages earned by inmates goes to the general fund to reduce the cost of corrections.

One such program is Class I: Free Venture Industries. In this work program, the Department may enter into agreements with any nonprofit or profit organization for the production of goods and services. The Department supplies appropriate security and custodial services at no charge; the inmates are paid 60 percent of the prevailing wage for the particular occupation but not less than the federal minimum wage.

Currently, federal law prohibits the interstate sale of inmate-produced goods or services unless the Department is certified through the U.S. Department of Justice's "Private Sector/Prison Industries Enhancement Certification Program." As part of the certification process, states must have authority to contribute a portion of Class I project income to the state crime victims compensation fund.

Current law does not authorize the Treasurer's Office to deposit Class I funds into the crime victims compensation fund.

SUMMARY:

The term "cost of corrections" is expanded to include the costs to develop and implement institutional industries programs.

The Secretary of the Department of Corrections may direct the State Treasurer to deposit a portion of work program income in the crime victims compensation account.

VOTES ON FINAL PASSAGE:

Senate	43	0
House	93	3

EFFECTIVE: June 11, 1986

SB 4681

C 125 L 86

By Senators Kreidler, Kiskaddon, Granlund and Deccio; by request of Department of Corrections

Revising provisions relating to inmates assigned to work/training release facilities.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Currently, indigent parolees, discharged prisoners and probationers may, under such terms as designated by the Secretary of the Department of Corrections, receive monetary assistance from any fund legally available.

A specific fund currently exists to defray the cost of clothing, transportation and other necessities which recently discharged prisoners, parolees and probationers cannot provide for themselves.

Inmates participating in work release programs have similar needs but there is not a specific fund from which these monies may be obtained. As a practical matter, the Department has been providing assistance from the Inmate Trust Fund. There is no clear authority to reimburse the Trust Fund from the General Fund for deficits caused by some inmates inability to repay the advanced funds.

SUMMARY:

A Community Services Revolving Fund is created to provide monetary assistance to indigent parolees, discharged prisoners, probationers and inmates assigned to work release programs.

Deductions from income earned by work release inmates are authorized to reimburse monies advanced from the Fund.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	96	1	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4682

C 193 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Kiskaddon, McDonald and Granlund; by request of Department of Corrections)

Revising provisions relating to offenders performing community services.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Class V Institutional Industries Programs allow offenders to work off all or part of court-ordered service in the community. The majority of this service is performed through nonprofit organizations.

In 1984 the industrial insurance statute was amended to allow cities, towns and counties to be "employers" for the purpose of obtaining industrial insurance to cover community service offenders. The statute was again amended in 1985 to require the Department of Corrections to reimburse local units of government for the premium cost.

The Department of Labor and Industries has taken the position that neither nonprofit organizations nor the state may elect to purchase coverage directly without specific statutory authority. This has created a situation wherein the Department of Corrections must reimburse the local governmental unit who then pays the premium for the nonprofit agency.

SUMMARY:

The term "employer" is expanded to include the state and nonprofit organizations for the purpose of obtaining industrial insurance coverage for offenders performing community service.

The Department of Corrections shall reimburse participating nonprofit agencies for industrial insurance costs to the extent that funds are specifically made available for such purposes. Local units of government are eliminated from participating in the reimbursement program.

VOTES ON FINAL PASSAGE:

Senate	44	1
House	97	0

EFFECTIVE: June 11, 1986

SSB 4683

C 194 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Owen, Deccio and Metcalf; by request of Department of Corrections)

Revising provisions relating to the death penalty.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Currently, the law authorizes the superintendent of the penitentiary to implement a sentence of death by either hanging the defendant by the neck until death is pronounced by a licensed physician or, at the election of the defendant, administration of a lethal dose of sodium thiopental.

Actual experience of other states utilizing sodium thiopental indicates that it could cause massive, prolonged convulsions.

SUMMARY:

The superintendent of the penitentiary is authorized, if the defendant so elects, to inflict the punishment of death by intravenous injection of a lethal dose of a substance sufficient to cause death.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	81	15	(House amended)
Senate	43	2	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4684

C 19 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Owen, Kreidler, Deccio, Kiskaddon, McDonald, Metcalf, Saling, Bauer and Johnson; by request of Department of Corrections)

Providing for restitution by inmates.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Current Washington Administrative Code regulations provide that for serious infractions of institutional regulations the disciplinary committee may order sanctions, including restitution, for damage done to any property assigned to the resident.

A recent federal case, Quick v. Jones, 754 F.2d 1521 (1984), overturned a lower court's decision which upheld a disciplinary committee's award of restitution against an inmate. The monies were deducted from his prison account and given to two police officers for damage done by the inmate to the officers' clothing. The appellate court ruled that the inmate was deprived of property without a sufficient due process hearing.

SUMMARY:

The powers and duties of the Secretary of the Department of Corrections are expanded to specifically allow the adoption of procedures providing for inmate restitution as a result of disciplinary actions.

The Secretary shall promulgate rules regarding inmate restitution pursuant to the Administrative Procedure Act.

VOTES ON FINAL PASSAGE:

Senate	40	0
House	96	0

EFFECTIVE: June 11, 1986

SB 4691

PARTIAL VETO

C 293 L 86

By Senators Kiskaddon, Newhouse and Vognild

Revising definition of child for industrial insurance purposes.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

This state's industrial insurance law defines "child" as every natural born child, posthumous child, stepchild, child legally adopted prior to the injury and dependent child in the legal custody and control of the worker. The child must be: Under the age of 18; under the age of 23 years while permanently enrolled at a full-time course in an accredited school; or over the age of 18 years if the child is a dependent as a result of a physical, mental, or sensory handicap.

SUMMARY:

A child born after an injury whose conception occurred prior to the injury is added to the definition of "child" in the state's industrial insurance law.

The Director of Labor and Industries is required to appoint a temporary six member chiropractic advisory committee. The committee is required to assist in the development of standards for the determination of temporary and permanent disability, standards for chiropractic treatment, care and practice, and provide a proposal for a chiropractic peer review program.

On June 30, 1987, the committee shall cease to exist.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	1	(House amended)
Senate	40	6	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The provisions establishing a chiropractic advisory committee are deleted. (See VETO MESSAGE)

SB 4693

C 126 L 86

By Senators Thompson, Talmadge and Zimmerman; by request of Office of Financial Management

Transferring filing of claims against the state from OFM to the risk management office.

Senate Committee on Governmental Operations

House Committee on Ways & Means

BACKGROUND:

The Risk Management Office (RMO) of the Department of General Administration is charged with planning for the protection of state assets and revenues from tort claims arising in litigation. The RMO makes recommendations to state agencies on methods of avoiding or minimizing risks, and supervises or delegates the authority to purchase insurance for state agencies; the RMO also has authority to purchase coverage for municipalities. It must approve any tort claim settlement.

One provision of Chapter 188, Laws of 1985, which granted additional authority to the RMO, provided that tort claims be filed with it in addition to the current filing required with the Office of Financial Management (OFM). The governor vetoed the RMO filing requirement on the ground that the two filings were duplicative. OFM has requested that it be relieved of its involvement in the tort claim filing and payment process.

SUMMARY:

Tort claimants must file their claims with RMO rather than OFM. The authority to make payments from the tort claims revolving fund is transferred from OFM to RMO. In addition, RMO is granted the following responsibilities held by OFM: 1) determining comparative liability responsibility of a tort claim between state agencies; 2) reporting to the Legislature on the status of the tort claims revolving fund; 3) authorizing state agencies to purchase personal indemnity insurance for individuals performing services for the state; and 4) adopting rules and regulations for the payment of tort claims.

RMO is also granted the authority, formerly held by OFM, to process non-tortious claims. The dollar amount for which a non-tortious claim can be administratively approved is raised from $500 to $2,000. All

claims over $2,000 continue to require legislative approval.

Annual deadlines are established for the presentation to the Legislature of judgments that require appropriations for payment. On the first day of each session, RMO is to present judgments received since the last session to the Senate and House Ways and Means Committees. During each session, the RMO is to present judgments immediately upon completion of an audit.

Claims other than judgments that have not been administratively approved for payment by RMO are to be submitted to the Senate and House Ways and Means Committees within 30 days of the beginning of each regular legislative session. The claims must be accompanied by RMO's recommendations, including: (a) a summary of the facts alleged in the claim; (b) a statement as to whether the facts can be verified by RMO; (c) an RMO estimate of the value of the loss or damage alleged to have occurred; (d) an analysis of the state's liability for the claim, if any; and (e) a summary of equitable or public policy arguments that might be helpful in resolving the claim.

Claims for damages caused by deer and elk of up to $2,000 may be administratively approved for payment by the state Game Commission. (The Commission currently has the authority to administratively approve claims of up to $1,000.) Claims unpaid for more than one year may be submitted to the Legislature with RMO's recommendations.

Language is deleted from statute that requires plaintiffs bringing suit against the state to file a surety bond, in addition to the complaint. The surety bond was intended to indemnify the state for costs accrued in defending an unsuccessful claim. The state Supreme Court declared the provision unconstitutional as a violation of equal protection in Peterson v. State, 100 Wn.2d 421 (1983), due to the fact that litigants against private parties are not required to post surety bonds.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	91	6	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4696

C 23 L 86

By Committee on Transportation (originally sponsored by Senators Granlund, Peterson, Conner, Kreidler and Vognild)

Requiring appropriations for expenditures from ferry revenue.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

The Washington State Ferry System is managed by the Marine Division of the Department of Transportation. Revenues used to meet operating expenses of the Ferry System are provided by nonappropriated and appropriated funds. During the 1985–87 biennium, about 69 percent of total Ferry System operating expenses are being supported by nonappropriated funds. Appropriated funds are providing the remaining 31 percent of required revenues.

Nonappropriated funds consist mainly of operating revenues of the Ferry System. The major components of operating revenues are fares levied for travel on ferry vessels. As required by a bond resolution that applies to Ferry System revenue bonds issued in 1963, uses of operating revenues are restricted to payments of Ferry System expenses, including operating and maintenance expenses, minor capital improvements, and payments of principal and interest on the 1963 revenue bonds.

Appropriated funds are provided by state taxes and fees that are deposited in the Puget Sound Ferry Operations Account (PSFOA) in the motor vehicle fund. This account was created in 1972 for the purpose of supplementing operating revenues of the Ferry System when revenues fall short of operating expenses. Each biennium an appropriation is made from this account when budgeted operating expenses exceed anticipated operating revenues.

When collected by the Ferry System, operating revenues are deposited in a Ferry System revenue fund which is not in the state treasury. This fund was authorized by the Legislature and was established to comply with the terms of the 1963 bond resolution. When operating revenues deposited in the revenue fund fall short of payments required for operating and maintenance expenses, the Ferry System transfers

appropriated funds from the PSFOA to offset the deficit.

SUMMARY:

An appropriation is required for expenditures paid with monies deposited in the Ferry System revenue fund. Because of this requirement, the Legislature will have clearly established statutory control over total Ferry System operating expenditures through the appropriations process.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	96	0

EFFECTIVE: July 1, 1987

SB 4705

PARTIAL VETO

C 319 L 86

By Senators Talmadge, Bluechel, Garrett, Gaspard, Rasmussen, Bender, Wojahn, Vognild, Peterson and Granlund

Revising provisions relating to sexual offenses.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor. Under current law, there is no way to upgrade the crime of communicating with a minor for immoral purposes from a gross misdemeanor to a class C felony for those who have previously been convicted for this same crime.

SUMMARY:

A person convicted of communicating with a minor for immoral purposes who has previously been convicted of this crime is guilty of a class C felony.

A person who knowingly exposes a minor to material which depicts a minor engaged in an act of sexually explicit conduct is guilty of a class C felony.

"Minor" means a person under 18 years of age.

It is a defense to the crime of communicating with a minor for immoral purposes that the defendant reasonably believed that the victim was at least 18 years of age based upon declarations by the victim.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	1	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Language regarding exposing a minor to material which depicts a minor engaged in sexually explicit conduct is deleted. (See VETO MESSAGE)

SB 4708

C 195 L 86

By Senators Talmadge, Bluechel, Garrett, Gaspard, Bender, Peterson and Granlund

Revising provisions relating to competence of witnesses.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Current law regarding the competency of children as witnesses provides that a witness must be of suitable age and that children under ten years of age who appear incapable of receiving just impressions of the facts or of relating them truly are incompetent. A hearing is automatically held to determine the competency of any witness under ten. One of the parties must request such a hearing to challenge the competency of all other witnesses.

It has been suggested that the words "suitable age" have no practical or legal effect in determining whether or not small children should be allowed to testify. Removing those words would eliminate any implication that age alone is the determining factor for assessing competency.

SUMMARY:

All references to children in those acts governing the competency of witnesses are deleted. A competency hearing will no longer be automatic for all witnesses

under ten, but any party will be able to request such a hearing.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	92	0

EFFECTIVE: June 11, 1986

SSB 4710

C 196 L 86

By Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, Deccio, Moore, Hansen, Halsan, DeJarnatt, Conner, Granlund, McManus, Bauer, Gaspard, Garrett, Vognild, Bender, Warnke, Bailey, Rasmussen and Lee)

Establishing the automatic fingerprint information system.

Senate Committee on Judiciary

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The Washington State Patrol Identification and Criminal History Section (WASIS) is the state repository for criminal records. WASIS is currently based on a series of special programs run on IBM and TRANS-A-FILE (TAF) computers. The TAF computer cannot handle recent workload increases and is rapidly approaching the end of its useful life. In addition, TAF computer replacement parts can no longer be purchased because the TAF company failed in 1978. The State Patrol has requested that a new computer system be purchased to replace the failing TAF computer.

The Washington State Patrol currently uses a manual fingerprint classification and search method. This method is labor-intensive and subject to frequent error. In addition, this method is only useful to compare crime scene fingerprints with fingerprints of possible suspects. Until a suspect is found, fingerprints from the crime scene are useless because there is no efficient way of checking fingerprints on file with those found at the crime scene.

Automated fingerprint information systems (AFIS) are available. These systems not only store fingerprint information, but can automatically compare a latent fingerprint from the crime scene against all the fingerprints in the computer and rapidly produce a list of the most likely suspects. Automated fingerprint information systems also provide a quick and efficient method to identify and obtain criminal background information on criminal suspects, criminals waiting to be sentenced, and others who are required to have criminal background investigations.

SUMMARY:

The State Patrol is instructed to develop a plan for implementing an automatic fingerprint identification system. The State Patrol must report to the Legislature by January 1, 1987 with a time line for adopting a system and with a full cost/purchase analysis. This report on AFIS must include local funding options and be reviewed by the Office of Financial Management.

An AFIS account is established in the custody of the State Treasurer. Any moneys received by the state from bureau of justice assistance grants shall be deposited in this account if doing so is not inconsistent with the terms of the grant.

Appropriation: $25,000 from the state general fund

VOTES ON FINAL PASSAGE:

Senate	47	0
House	97	0

EFFECTIVE: June 11, 1986

SB 4712

PARTIAL VETO

C 275 L 86

By Senators Thompson, Sellar, Zimmerman, Kreidler and Williams; by request of Secretary of State

Creating state archivist oral history program.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The State Archivist administers the Division of Archives and Records Management within the Office of the Secretary of State. The Archivist has the responsibility for organizing and safeguarding state public records in the state archives.

Currently, there is no provision in state law for the preservation of the oral history of the state of Washington. It is suggested that oral histories be recorded and preserved as valuable sources of state history.

SUMMARY:

A program is authorized to record the oral histories of former legislative members and staff, former state government officials and personnel, and other citizens of interest. The State Archivist will administer the program.

An oral history advisory committee is created, consisting of the Secretary of State, State Archivist, Secretary of the Senate or designee, Chief Clerk of the House or designee, two members of the Senate (one from each major political party, appointed by the President of the Senate), two members of the House (one from each major political party, appointed by the Speaker) and two private citizens appointed by a majority vote of the members of the committee. Appointed members serve for two years. The members are to serve without compensation, other than reimbursement for travel expenses. The Secretary of State is to chair the committee; a majority of the committee constitutes a quorum.

The committee is to provide advice to the State Archivist on the operation of the oral history program.

Appropriation: $29,000 from the general fund is appropriated to the Secretary of State for the remainder of the 1985–87 biennium.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	91	5	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The section creating the oral history advisory committee is eliminated. The Governor felt that the purposes of the bill could be fulfilled without creating a statutory advisory body. (See VETO MESSAGE)

SB 4713

C 10 L 86

By Senators Warnke and Newhouse; by request of Board of Industrial Insurance Appeals

Modifying industrial insurance appeal procedures.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The current law prohibits the industrial appeals judge, who mediates in a particular appeal, to participate in writing the proposed decision and order in the appeal. It is the Board of Industrial Insurance Appeals practice to have certain judges perform all the mediation functions.

The board contends that the judges who are assigned to do mediation can write a proposed decision and order in an appeal if a simple legal issue is involved in the dispute.

SUMMARY:

An industrial appeals judge who mediates in a particular appeal may, with the consent of the parties, participate in writing the proposed decision and order in the appeal. This will not prevent an industrial appeals judge from writing a proposed decision and order in response to a motion for summary disposition or similar motion.

VOTES ON FINAL PASSAGE:

Senate	43	0
House	97	0

EFFECTIVE: June 11, 1986

SSB 4717

C 244 L 86

By Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Vognild and Bluechel)

Adopting the water quality joint development act.

Senate Committee on Parks & Ecology

House Committee on Local Government

SSB 4717

BACKGROUND:

Privatization involves private sector financing, ownership, construction, operation and maintenance of a facility that provides services to a public agency or municipality. Currently, there are no communities in the state that have privatized their wastewater treatment facilities.

It is contended that because of numerous benefits provided the private owner/operator, municipal ratepayers would be charged less than if the treatment facility was owned and operated by the municipality. Private owner benefits include tax credits, accelerated and straight line depreciation and deductible operating and interest expenses. Cost savings can also be realized through the use of tax-exempt bond financing and more efficient design, construction and operation.

As part of the Public Works Act of 1985 (Ch. 446, Washington Laws), a feasibility study of innovative financing and development alternatives, such as joint development and privatization was commissioned. The final study report was issued in December, 1985.

SUMMARY:

Public bodies are given authority to enter into agreements with service providers (private firms) for water pollution control facilities (sewage treatment plants, mostly). Procedures for entering into an agreement are detailed.

Prequalification in the contracting process is to be allowed. Service providers are to be required to prove that costs will be lower than if the project was done by the public body. Public bodies are allowed to hire persons or entities for assistance. A bidder's conference is to be conducted and an opportunity for resubmittal of proposals given. An appeal process of the legislative authority's approval of a contract is to be included. Current contract procedure for design of a project if it is not part of overall package is to be required.

A public hearing is to be conducted and written findings afterward are to be made available proving that the project is in the public interest.

A public body may sell, lease or assign public property at fair market value under an agreement.

In each agreement, there is to be an option that allows the public body to buy back the water pollution control facility at fair market value.

Public bodies that participate in privatization agreements are eligible for grants or loans. Grants or loans received by the public body are to be used for its ownership interest and/or to defray payments made to the service provider.

Service agreements are not to be subject to state contracting, procurement and advertising procedures. Service agreements are subject to detailed provision for contract award and are to be reviewed by the Department of Ecology. The person or persons negotiating with the private entities are not to be a member or members of the voting local government legislative authority that accepts the final contract. Service agreements prepared under the act are not to be exempted from public body charters. Each agreement is to include performance bonds or other security from the service provider to secure adequate performance.

State prevailing wage requirements, minority contracting and off-shore items are to apply to joint development agreements.

VOTES ON FINAL PASSAGE:

Senate	42	7	
House	75	21	(House amended)
Senate	38	7	(Senate concurred)

EFFECTIVE: April 3, 1986

SSB 4720

C 9 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse, Vognild and Bauer)

Establishing a certificate of coverage for industrial insurance.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries has approximately $27 million in uncollected industrial insurance taxes and penalties. Over 6 percent of all accounts in the program are delinquent more than 90 days. The national average of 90 day delinquencies in similar programs is 5 percent.

The current collection and enforcement mechanisms used by the Department are slow and cumbersome.

The Department also lacks many enforcement powers and procedures used by the Departments of Revenue and Employment Security for tax collection purposes.

SUMMARY:

A certificate of coverage is established which is personal, non-transferrable and is valid as long as the holder is in business and pays all industrial insurance taxes. All businesses covered by industrial insurance must have a valid certificate in order to operate legally. A successor business is defined and is liable for any unpaid industrial insurance tax liabilities of the previous owner.

Employers are required to keep and preserve records. A failure to do so results in a permanent ban on the employer's right to challenge the Department's assessments before the Board of Appeals or a court of law. This ban covers the period for which records are unavailable. An employer's refusal to allow adequate inspections of records results in a certificate revocation and a permanent ban on appeals for the period in which the records are not made available. Enforcement procedures are established for failures to post a registration bond.

It is a gross misdemeanor for an employer or any of its officers to engage in business without a certificate of coverage. It is a class C felony for a business or any of its officers to operate a business after the certificate of coverage has been revoked.

The current penalty of 25 percent of the amount of defaulted payments is eliminated and replaced with a schedule of increasing penalties as follows: 5 percent of total taxes after due date; 10 percent of total taxes more than 30 days overdue; and 20 percent of total taxes more than 60 days overdue. If a warrant is issued, a 5 percent charge is levied. A 1 percent interest charge is added for each month of unpaid taxes after a warrant has been issued.

If an employer is late in paying tax liabilities for three consecutive quarters or has failed to pay a warrant within 30 days of filing, the Department may revoke the certificate. A new certificate cannot be issued until the liability is paid and a security is deposited which is equal to one-half of the estimated average annual taxes. Immediate collection of taxes is allowed if the Department believes a business is insolvent.

Notices of tax defaults are sent by certified mail. A failure to receive a notice does not release employers from tax liabilities. The notice and order to withhold and deliver property is in effect from the date of issuance until the liability is satisfied or deemed unenforceable.

If the total assessment is not paid within ten days of the mailing of an order, the Department, using a distraint, may seize and sell property of the delinquent employer to pay the defaulted tax obligations. A superior court or district court judge may issue warrants ordering law enforcement officers to search and seize property of delinquent employers. The Department may issue an order of execution, pursuant to a filed warrant, directing the sheriff to sell the seized property to pay the defaulted tax liabilities. No sale may be held while an appeal is pending.

All taxes, penalties and interest must be paid before any court action can be taken by the employer deemed to be in default unless the court rules prepayment to be an undue hardship on the employer. Interest is paid on all prepaid taxes, penalties and interest determined not to be due by the court.

Agents of the Department are not entitled to fees or compensation in excess of actual expenses incurred in the course of department business. Department agents are protected against law suits if they were performing the duties of their office.

VOTES ON FINAL PASSAGE:

Senate	34	8
House	97	0

EFFECTIVE: June 11, 1986

SB 4721

C 20 L 86

By Senators Warnke, Newhouse, Vognild and Bauer

Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

An employer who violates provisions of the Washington Industrial Safety and Health Act (WISHA)

is subject to various civil penalties prescribed in statute. The amount of the civil penalties has not increased since the adoption of the act in 1973.

If an employer furnishes notice to the Director of the Department of Labor and Industries that he intends to appeal a citation or assessment of a penalty, or if an employee files a notice alleging that the period of time fixed for abatement of the violation is unreasonable, then the Director may reassume jurisdiction of the matter. If the Director reassumes jurisdiction of such a matter, any redetermination must be completed within fifteen days. It is suggested that some additional time is needed in order to complete the redetermination of a matter.

SUMMARY:

The civil penalties provided for violations of the Washington Industrial Safety and Health Act are increased as follows:

- -- Wilful or repeated violations: $10,000 to $50,000
- -- Serious violations of safety or health standards: $1,000 to $5,000
- -- Violations of safety or health standards: $1,000 to $3,000
- -- Failure to correct a violation: $1,000 to $5,000
- -- Posting requirements violation as to employees right to notice: $1,000 to $3,000
- -- Posting requirement violation as to informational, educational, and training materials: $500 to $1,500
- -- Wilfully and knowingly violating a safety or health standard that results in death: $10,000 to $100,000
- -- Wilfully and knowingly violating a safety or health standard that results in death after a prior conviction: $20,000 to $200,000
- -- Continuation of a condition, practice, method, process or means, or the continued use of a machine or equipment to which a notice is attached: $1,000 to $10,000
- -- Removal, displacement, damaging, or destruction of any safety device or safeguard required: $250 to $1,000

The time allowed for the Director to redetermine citations, penalties, or abatement periods is increased from fifteen to thirty days.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	85	0

EFFECTIVE: June 11, 1986

SSB 4722

C 197 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse and Vognild)

Modifying provisions on contractor infractions.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Any person or entity who undertakes construction work must register with the Department of Labor and Industries. The contractor must provide a bond or other security and evidence of insurance in the amounts required by statute, and pay the fees required by the Department before a certificate of registration will be issued. Any contractor who has knowledge of these requirements and who offers to perform construction work or does perform construction work without being registered commits a misdemeanor.

The Department may issue an infraction when it reasonably believes that a contractor has failed to register as required. The contractor must be served a notice of the infraction, with information including a statement of the specific infraction for which the notice was issued, any applicable monetary penalties, and procedures for contesting the notice of infraction. Infraction violations are heard and determined in district court. The court is authorized to waive, reduce, or suspend the monetary penalty imposed for the infraction.

SUMMARY:

It is a misdemeanor for a contractor who has knowledge of the registration requirements to also do work or offer to do work as a contractor when the contractor's registration is suspended. It is also a misdemeanor for a contractor to transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.

The director is authorized to appoint compliance inspectors to investigate violations of the registration requirements. If the compliance inspector cites an employee of the unregistered contractor, then the contractor is deemed to have notice of the violation. An employee who is cited by a compliance inspector is not liable for any of the alleged violations contained in the citation unless the employee is also the contractor. The Department must also send a copy of the notice by certified mail to the contractor if the contractor's address is available whenever an employee of a firm or corporation is personally served with the infraction. The time allowed for a contractor to respond to a notice of infraction is increased from 14 days to 20 days.

All hearings on whether an infraction has been committed shall be conducted by an administrative law judge of the Office of Administrative Hearings. If an administrative law judge determines that no infraction was committed, then this must be noted in the record of the proceedings. The contractor may appeal the decision to superior court. The Department shall be represented by the Attorney General in any administrative proceedings. The administrative law judge may waive, reduce, or suspend the monetary penalties imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome to the contractor.

A violation of the chapter is a violation of the Consumer Protection Act. The contractor's surety bond is not liable for any monetary penalties or for violation of the Consumer Protection Act.

Verification of a contractor's registration by a unit of local government does not create a basis for liability on the part of the local entity.

Modifications are made to the bonding requirements for farm labor contractors. The right of action against the bond must be filed separately after proof of liability has been established.

Appropriation: $45,000 from the general fund to the Department of Labor and Industries.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: April 1, 1986

SB 4723

C 79 L 86

By Senators Rinehart, Sellar and Kreidler; by request of State Library

Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The Washington State Library has authority to apply for, accept and expend federal and state grants. It has no express authority to accept grants from private sources. Recently, the State Library was awarded a grant from a private trust to finance a conference for librarians on collection development. After the Assistant Attorney General assigned to the State Library advised that the agency had no express authority to allocate grants of private funds, the grant from the private trust was returned.

SUMMARY:

The State Library is authorized to apply for, accept and expend grants of private funds. In addition, the agency is expressly enabled to adopt rules regarding the allocation of all funds (including federal and private funds) for "library purposes"; it is no longer confined to the allocation of funds for "public or cooperative library services."

VOTES ON FINAL PASSAGE:

Senate	46	1
House	96	0

EFFECTIVE: June 11, 1986

SSB 4724

C 147 L 86

By Committee on Ways & Means (originally sponsored by Senators Gaspard, Bender, Saling, Bailey, Patterson, Granlund, DeJarnatt, Bauer, Johnson, McManus, Rinehart, von Reichbauer, Barr, Garrett, Vognild, Conner and Lee; by request of Superintendent of Public Instruction)

SSB 4724

Adopting the Washington award for excellence in education program act.

Senate Committee on Education

Senate Committee on Ways & Means

House Committee on Education

House Committee on Ways & Means

BACKGROUND:

The state currently recognizes the academic and vocational achievements of high school students under three programs: The Washington Scholars Program, the Washington Honors Award Program and the Washington Award for Vocational Excellence Program. It is suggested that a state-level program be established to recognize similarly the achievements and contributions of teachers, principals, school district superintendents and school boards.

SUMMARY:

The Washington Award for Excellence in Education Program is established to recognize annually three teachers and three principals from each congressional district and one superintendent and one school board statewide.

All recipients shall be presented a certificate by the Governor and the Superintendent of Public Instruction in a public ceremony or ceremonies. In addition, teachers and principals shall receive either a waiver of tuition and fees for one academic year at a state higher education institution and a stipend up to $1,000 to cover costs incurred while taking the courses, or they may apply for an educational grant up to $1,000.

Teachers and principals must notify the Superintendent of Public Instruction within one year of receiving the award whether they will apply for the grant or elect to use the tuition waiver and stipend. The tuition waiver must begin within three years after the award is received. A grant application must be submitted to the Superintendent of Public Instruction within one year after the award is received.

The award for teachers under the Washington Award for Excellence in Education Program shall be named the "Christa McAuliffe Award."

Superintendents and school boards shall be eligible to apply for educational grants of $1,000 and $2,500 respectively. Grant applications must be submitted to the Superintendent of Public Instruction within one year after the award is received.

The Superintendent of Public Instruction is granted rule making authority, including establishing the selection criteria for the Washington Award for Excellence in Education Program.

Appropriation: $60,500 to the Superintendent of Public Instruction

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	1	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4725

PARTIAL VETO

C 295 L 86

By Senators Warnke, Hayner and Bottiger; by request of Board of Accountancy

Revising provisions of the accountancy act.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Board of Accountancy was established primarily to promote dependability in financial transactions. The Board regulates the use of the title "certified public accountant" (CPA) to ensure its use by only qualified and licensed individuals. The Board also regulates the practice of public accounting and permits only licensed CPAs to use the terms "audit report", "review report" and "compilation report." In addition, the Board ensures that licensed CPAs adhere to recognized professional standards. The Board currently issues practicing and nonpracticing CPA licenses respectively, registers public accounting firms and licenses the offices of registered firms.

The Board currently is authorized to place examination fees in the certified public accountant's examination account. However, all license fees are deposited in the general fund.

The Board underwent a performance audit by the Legislative Budget Committee during 1985. The audit report recommended that the Board be reauthorized

with modifications. The Board is scheduled to terminate on June 30, 1986.

SUMMARY:

The practicing CPA license is maintained. The existing registration of public accounting firms is replaced with a licensing process. The licensing of public accountancy firm offices is replaced with a registration process. A nonpracticing CPA certificate is substituted for the existing nonpracticing CPA license.

Unpaid volunteers that provide assistance to the Board are treated in a similar manner to paid employees under Actions and Claims Against the State. The CPAs examination account within the State Treasury is renamed the CPA account. All fees including license fees collected by the Board are placed in the account.

The Board is authorized to set educational standards for CPAs and the requirement that a CPA hold a BA degree is removed. Only licensed CPAs are required to complete one year of public accounting experience. A sole proprietorship engaged in the practice of public accounting is required to be licensed by the Board on a biennial basis.

The Board is authorized to implement a quality assurance review program for CPAs; and require licensed firms to obtain professional liability insurance. The provisions specifically outlining the proceedings for revocation or suspension are maintained. Licensees are required to provide a client with a copy of the CPA's working papers and client's records. Obsolete provisions are repealed.

The sunset provisions due to take effect in June 30, 1986 are repealed.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	60	37	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House			(House refused to adopt report)
House	87	11	(House amended)
Senate	42	3	(Senate concurred)

EFFECTIVE: July 1, 1986

PARTIAL VETO SUMMARY:

The requirement that all fees be deposited in the CPA account is deleted. As a result, license fees continue to be deposited in the general fund and examination fees deposited in the CPA account. (See VETO MESSAGE)

SB 4738

C 288 L 86

By Senators Talmadge and Halsan

Revising provisions relating to juvenile offenders.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The juvenile code requires a law enforcement officer to take a child into custody when the officer reasonably believes that the child is in circumstances which constitute a danger to the child's safety. However, the code does not delineate the factors that an officer should consider when determining whether a child's safety is in danger. The code also requires an officer to act reasonably and in good faith when releasing a child to someone other than the child's parents. Requiring the officer to act reasonably exposes police departments to civil liability.

The Juvenile Justice Act provides that if a juvenile wilfully fails to comply with an order of community supervision, the court may impose a penalty of up to 30 days confinement. In some situations, the court is sentencing juveniles to an additional 30 days confinement for each violation of the community supervision order. There may also be instances where the imposition of several 30-day sentences result in the juvenile serving a term of incarceration which exceeds the maximum to which an adult may be sentenced for the same offense.

The act also requires the court to issue a written order to extend jurisdiction over juvenile offenders in all situations except for those involving offenders who turn 18 during the sentencing period. There are times when, through oversight, jurisdiction over the offender expires. This is particularly apparent in cases where appeals are taken and sentences are stayed pending the outcome of the appeal.

Juvenile detention facilities are the equivalent to county jails for adults. There are no standards, either permissive or mandatory, regarding detention/intake, use of punishment, health care, staffing, inventory and storage of residents' belongings, access to defense

counsel, residents' rights to communicate with outsiders, physical plant conditions, educational programs or secure alternatives to detention.

The Juvenile Disposition Standards Commission, composed of eight members, reports to the Legislature on November 1 of each even-numbered year on its proposed sentencing guidelines.

SUMMARY:

Law enforcement officers are instructed to take a child's age, location and time of day into consideration when deciding whether to take a child into custody. Officers only have to act in good faith to avoid civil liability when taking a child into custody, when failing to take a child into custody and when releasing the child to someone other than the child's parents.

A joint select legislative committee composed of bipartisan members of the House and Senate Judiciary Committees is created. The members are to be selected at the discretion of both committee chairpersons. The committee will review the implementation and administration of: (1) The basic juvenile court act, (2) the Child Welfare Services Act, (3) the juvenile court act relating to dependency and termination of parental rights, (4) procedures for families in conflict, generally, and (5) the alternative residential placement process and the advisability of granting the juvenile court jurisdiction to make in-home placements, specifically.

A 30 day maximum is placed on the amount of time that a juvenile can be confined for multiple violations of a court order that occurred prior to the modification hearing. The amount of time that a juvenile can be detained for multiple violations of a single disposition order is limited to the maximum term to which an adult can be sentenced on the underlying offense. Juvenile court and the Department of Social and Health Services can exercise jurisdiction beyond a youth's 18th birthday if a finding of guilt is entered before the youth's 18th birthday and jurisdiction is necessary for either the imposition or execution of a sentence.

A county legislative official is added to the Juvenile Detention Standards Commission and the Commission is directed to devise: (1) Standards for detention/intake procedures, use of punishment, availability and quality of health care, inventory and storage of residents' belongings, access to defense counsel, rights of residents to communicate with outsiders and information gathering and reporting necessary for the Commission to make appropriate decisions; and (2) advisory standards for physical plant conditions, custodial care, and secure alternatives to custodial care. The Commission must submit a report to the Legislature by November 1, 1987.

Juvenile detention facilities are required to release their records to the Commission provided that juveniles' rights to privacy are protected.

The Commission is also directed to review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	91	5
Senate	35	0

EFFECTIVE: April 4, 1986

SSB 4741

C 198 L 86

By Committee on Natural Resources (originally sponsored by Senators Goltz, Metcalf and Rasmussen)

Granting commercial fishing licenses to owners of vessels seized by a foreign government.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Commercial licenses are required to commercially fish for food fish or shellfish. The Department of Fisheries is required to issue or renew a commercial license upon application and payment of the fee. The license is personal as well as associated with a particular vessel, but such license may, upon notice and payment of a fee, be transferred to a new vessel or holder.

In 1977, the Legislature determined that sound conservation principles mandated placing limitations on the number of commercial salmon fishing and charter boat licenses issued in order to preserve the salmon resource. The Legislature imposed the limitations by allowing the annual license to be issued only to a vessel which held, or had transferred to it, a license the previous year and which caught and landed fish the previous year.

For the past 29 years, the Department of Fisheries has required commercial salmon fishermen to apply for their licenses by April 15 or pay a $200 late application fee. Resident licenses for all gears, except purse seine, cost $200. Resident purse seine gear licenses cost $300. Non-resident license fees are double the resident fee.

Fishermen buy licenses according to the type of gear they use such as troll, purse seine, reef net, or gill net. For some fisheries, the season may not begin until the fall. Salmon trolling season begins in early May.

The Fisheries Department issued approximately 3,790 commercial salmon licenses in 1985. Troll licenses totalled 1,661 including those licenses issued for fishing outside the three mile limit. Additionally, license sales were: 1,727 for gillnetters, 351 for purse seiners, and 51 for reef netters.

Fishermen who participate in the fall fisheries prefer that the Department establish a later application deadline for license submission.

The Puget Sound whiting or hake fishery has existed since 1965. Until 1981, the fish were caught for rendering. Since that time, human consumption has grown into the primary market. The catch varied from a high of 14.5 million pounds in 1982-83 to a low of 2.5 million pounds ten years earlier. The 1984-85 catch totalled 6.5 million pounds. Over the past six years, the catch averaged more than 9 million pounds. Recent prices paid to the fishermen for whiting fluctuated from 3.5 to 4 cents per pound for whole fish.

Fishing takes place in the fall and winter months in Southern Saratoga Passage and in Port Susan Bay. Most of the fishery occurs in the winter months in Port Susan Bay. Fishing occurs when the whiting congregate to spawn. During the balance of the year, the fish disperse through Puget Sound.

In 1985, representatives of the fishery asked for legislation that would limit the number of vessels in the fishery. Eligibility criterion were proposed and two public hearings held this past fall. Following the hearings, new criterion were prepared.

During the 1984-85 season, 18 vessels participated in the fishery.

SUMMARY:

The Director shall waive the permit and landing requirements of RCW 75.30 if the license holder was unable to fulfill the requirements due to proceedings initiated by a foreign government. This provision sunsets December 31, 1986.

A new section is added which causes commercial salmon licenses and delivery permits to revert to the Department of Fisheries when any government confiscates and sells the vessel to which the license was issued. The original owner may apply to the Director within one year to have the license or permit transferred back to the original owner.

Fishermen must apply for their license by a date specified by Department of Fisheries' rule. Applications received after the deadline must include a $200 late filing fee. The filing deadline may vary for different gear types and fishing districts.

The Puget Sound whiting is determined to be an important fishery. The increases in number of vessels in the fishery, combined with the limited whiting resource, create a need to limit the number of vessels in the fishery. To help ensure against overfishing, the Fisheries Department will use pre- and post-season abundance sampling to establish fishing seasons.

A new fishing license endorsement, for whiting, is created. To qualify for an endorsement, the owner of the vessel must have delivered at least 50,000 pounds of whiting between January 1, 1981 and February 22, 1985, and must have owned the necessary fishing gear as of January 1, 1986. Endorsements cost $200 for residents and $400 for nonresidents. Endorsements may be transferred only through gift or inheritance to spouse, children, or step-children of the endorsement holder. No temporary endorsements may be issued. The owner of an endorsement must be on any vessel taking whiting. The Fisheries Department may adopt the rules necessary to implement the act.

The existing three member advisory review board process created to review other license limitation decisions is expanded to hear disputes involving Puget Sound whiting.

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	90	6
Senate	38	2

EFFECTIVE: June 11, 1986

SB 4747

C 24 L 86

By Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

The Washington Model Traffic Ordinance (MTO), enacted in 1975, is a listing of all state traffic laws, and can be adopted by reference by any local authority to serve as its local traffic ordinance. A local authority may adopt the MTO in full or in part, and may at any time exclude any section or sections it does not wish to include in its local traffic ordinances.

The object of this legislation is to incorporate into the MTO the new legislative enactments from the 1985 session of the Legislature that relate to traffic and motor vehicles.

SUMMARY:

The Model Traffic Ordinance is updated to include traffic and motor vehicle laws passed by the 1985 Legislature relating to new state procedures for dealing with abandoned and junk vehicles and the regulation of tow truck operators.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	94	2	

EFFECTIVE: March 10, 1986

SB 4749

C 148 L 86

By Senators Bender and DeJarnatt

Revising reporting requirements for property and casualty insurers.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Each insurer authorized by the Insurance Commissioner to do business in Washington must furnish the Commissioner with an annual statement of its financial condition, transactions, and affairs. In 1985 the Legislature passed a law requiring expanded reporting by all medical malpractice insurers. The report must include premiums earned and written, losses incurred but not reported, types of claims closed, and greater detail of reserves.

SUMMARY:

In addition to providing more detailed information concerning medical malpractice insurance experience, property and casualty insurers must provide more detailed information for products liability, attorneys malpractice, architects and engineers malpractice, municipal liability and day care center liability.

VOTES ON FINAL PASSAGE:

Senate	43	4	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4757

C 30 L 86

By Committee on Transportation (originally sponsored by Senators Williams and Peterson)

Granting vehicle licensing reciprocity to Indian tribes.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

This legislation represents part of an overall settlement of two combined cases now in the U.S. Court of Appeals, Ninth Circuit, in which a three-judge panel of the court has held the state must grant reciprocity to tribally licensed tribal government service vehicles on a reciprocity basis. The other major element of the settlement is entry of an order by the Ninth Circuit Court vacating its opinion and remanding the case to district court to be dismissed. A motion for such an order, the effectiveness of which is conditioned upon passage of this bill, is now pending before the court.

SUMMARY:

Indian tribes recognized as a governmental entity by the U.S. Department of the Interior may obtain Washington state exempt plates for their tribal government service vehicles. The Indian tribe shall pay a fee of $2 for plates for each vehicle. However, an Indian tribe is not entitled to license and register any tribal government service vehicle if the tribe itself licenses or registers any tribal government service vehicle under tribal law.

An Indian tribe using Washington state exempt plates for tribal service vehicles shall grant reciprocity to all vehicles licensed by the state of Washington to drive on tribal roads within the reservation.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	90	6

EFFECTIVE: June 11, 1986

SSB 4758

C 29 L 86

By Committee on Transportation (originally sponsored by Senator Conner)

Revising taxation of special fuel from a keylock pump.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Statute requires a special fuel dealer to collect the special fuel tax from users who get their fuel from unattended keylock metered pumps unless the purchaser has been issued a letter of authorization by the Department of Licensing to purchase special fuel without payment of tax. The Department may issue the letter of authorization to a special fuel user when the following conditions occur: (1) the user is using the fuel outside of the state or off of the state highways; (2) when requiring collection of this tax from the special fuel user would cause recurring payments of the tax; and (3) when the tax liability of the special fuel user is adequately secured.

A number of farmers licensed to purchase fuel without tax have used the keylock pumps without having the required special letter of authorization. Audits revealed that the dealers had failed to verify the authorization with DOL, were then required to pay the tax (18 cents per gallon) and applicable interest and penalty. The dealers must then bill the farmers for the tax, and the farmers will then petition the DOL for a refund. Requiring a specific authorization places an unnecessary burden on the purchaser. Repeal of this requirement will not adversely affect the Department of Licensing's ability to ensure compliance with the special fuel tax law.

SUMMARY:

The requirement that special fuel dealers must collect the special fuel tax for all special fuel dispensed through an unattended pump equipped with a keylock meter is repealed.

A special fuel user is allowed to purchase fuel from a keylock metered pump directly into the fuel tank of a motor vehicle without payment of the special fuel tax at the time of purchase. The purchaser is still required to have a special fuel user's license.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4762

PARTIAL VETO

C 312 L 86

By Committee on Ways & Means (originally sponsored by Senators McDermott and Rasmussen; by request of Governor)

Adopting the supplemental budget.

Senate Committee on Ways & Means

House Committee on Ways & Means

SUMMARY:

Supplemental budget appropriations are provided for the 1985–87 biennium. (See operating and capital budget summary.)

SSB 4762

VOTES ON FINAL PASSAGE:

Senate	31	16	
House	55	42	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	55	43	
Senate	31	16	

EFFECTIVE: April 4, 1986

PARTIAL VETO SUMMARY:

See VETO MESSAGE.

SSB 4766

C 245 L 86

By Committee on Energy & Utilities (originally sponsored by Senators Williams, McDermott, Bailey, Kreidler, Bauer, Halsan, McManus and Rasmussen)

Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

As the cost of residential space heating increases, so does the inability of low income and fixed income customers to pay their bills. This inability to pay for heating services, especially during cold weather, can result in life-threatening situations when the services are shut off for nonpayment.

In 1984, the Legislature enacted legislation that restricts municipalities, public utility districts, and investor-owned utilities from terminating utility service for residential space heat between November 15 - March 15. This legislation expires June 30, 1986.

SUMMARY:

Municipalities, public utility districts, investor-owned utilities that supply electric and gas residential space heating may not terminate utility service for residential space heating between November 15 - March 15, if the following conditions are satisfied: (1) The customer certifies household income for prior 12 months and the customer's income satisfies criteria for low income eligibility; (2) the customer notifies the utility of inability to pay the bill, including the security deposit; (3) the customer applies for public and private financial assistance for the payment of heating bills; (4) the customer applies for low-income weatherization assistance; (5) the customer maintains a payment plan by paying 7 percent of monthly household income plus 1/12 of arrearage accrued from date of application for payment plan through March 15; thereafter, the payment plan will be designed to pay the past due bill by the following October 15; and (6) the customer agrees to pay the bill owed even if she or he moves.

The utility shall notify the customer of the procedures of this act in the service termination notice, assist the customer in satisfying the requirements of this act, and transfer accounts to a new residence when a customer under a payment plan moves from one residence to another.

The utility may terminate service for the customer's failure to adhere to the payment plan. The utility may continue to terminate service for those practices authorized by other laws.

A customer who is disconnected for default on a payment plan can be reconnected and maintain protections under this act by paying applicable reconnection charges and monthly payment plan amounts owed at time of reconnection. If a customer's account is not current by the following October 15, the customer is not eligible for protections under this chapter until the account is current.

A customer eligible under the state's plan for federal low-income energy assistance is eligible for budget billing or equal payment options without limiting availability to certain months of the year, length of residency and ownership of residence. An agreement between the customer and the utility does not waive the protections afforded under this act.

The Utilities and Transportation Commission (UTC) reports annually to the Legislature on the costs and benefits of this legislation. In addition, the UTC reviews service termination of delinquent accounts for utilities subject to regulation and reports to the Legislature by January 1, 1987. Utilities not subject to the UTC's jurisdiction, excepting cooperatives and mutual corporations, continue annually to provide similar information to the Legislature.

The statutory provision that directed public utility districts to offer budget billing or equal payment plans is repealed. This language is now incorporated within the section of law that defines termination restrictions

for the public utility districts. This legislation expires June 30, 1990.

VOTES ON FINAL PASSAGE:

Senate	28	17	
House	94	2	(House amended)
Senate	30	16	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4769

C 265 L 86

By Committee on Agriculture (originally sponsored by Senators Hansen, Bailey, Barr, Goltz, Bauer, Gaspard and Benitz)

Revising the excise taxation of feed.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Stockyards which hold livestock longer than 24 hours are required by law to provide feed to those livestock. RCW 82.04.050 (Business & Occupation Tax) defines "retail sale" as not including sales of feed used in producing agricultural products for sale, however, the language includes a reference to the sale of cattle from stockyards. The Department of Revenue has interpreted this language to mean that the cost of feeding livestock held at a stockyard or public livestock market is a retail sale of the feed and thus is subject to taxation.

SUMMARY:

The Retail Sales Tax and Use Tax (RCW 82.08 and 82.12 respectively) are each modified so as to exclude from tax the sales of feed consumed by livestock at public livestock markets.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	95	2	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4770

C 8 L 86

By Senators Hansen, Goltz, Barr, Gaspard, Benitz and Bailey

Authorizing an irrigation district to defend employees, officers or agents in suits filed against them.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

RCW 4.96.040 creates immunity from civil liability for elected officials arising from actions within the scope of their official duties or employment, although liability still remains on the special purpose district for the acts of its officers, agents or employees.

A public utility district has the authority in RCW 54.16.097 to defend or provide for the defense of its officers, agents or employees from claims arising out of the performance or failure of performance of duties. If a court determines that the officer, agent or employee was not acting in good faith, the costs of defense and judgment or settlement shall not be paid by the district.

Irrigation districts do not have the statutory authority to defend officers, agents or employees from claims.

SUMMARY:

The board of directors of an irrigation district may authorize the defense of an officer, agent or employee for a claim, action or proceeding. Costs of defense or obligation of payment may be paid from district funds unless the court finds that the person was not acting in good faith or within the scope of the person's employment or duties.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	92	0

EFFECTIVE: June 11, 1986

SSB 4779

PARTIAL VETO

C 324 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Bottiger and Rasmussen)

Providing increased consumer protection by regulating auctioneers and auction companies.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The current law dates from 1982 and requires auctioneers to be licensed by the Department of Licensing. In response to the statute's sunset provisions, the Legislative Budget Committee conducted a study and recommended the continuation and strengthening of the act to protect the buying public.

SUMMARY:

License and surety bond requirements for auction companies are established. The Department is given increased powers to deny, suspend and revoke licenses. Administrative fines and penalties are established for violations including hiring unlicensed auctioneers, failure to sign written contracts between sellers and auctioneers, failure to keep written records for three years, and operating an auction without a license.

Auctioneers and auction companies shall not bid unless a disclosure is made of the name of the person on whose behalf the bid or offer is made. Auctioneers and auction companies shall not make undisclosed buybacks. Fictitious bids at public auctions are prohibited. All goods at auctions require minimum bids unless otherwise indicated. Auctioneers and auction companies may call for bids on real estate sold at auctions.

Any violation of the act is considered a violation of the Consumer Protection Act.

Auctioneers are required to provide accounts of all funds received and must pay the seller within 21 days unless a written contract stipulates otherwise. All monies not paid within 24 hours must be placed in a trust account.

VOTES ON FINAL PASSAGE:

Senate	43	4	
House	82	14	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Conference Committee			
House			(House refused to adopt)
Senate	31	16	(Senate concurred in House amendments)

EFFECTIVE: July 1, 1986

PARTIAL VETO SUMMARY:

The following sections are eliminated: The establishment of a disciplinary review committee, and the provision which prevents cities and counties from licensing and bonding auctioneers and auction companies. (See VETO MESSAGE)

SB 4781

C 28 L 86

By Senators Moore and Goltz

Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

Specific deadlines are provided for candidates and political committees to report campaign contributions and expenditures to the Public Disclosure Commission. In the election season, these reports must be filed on the twenty-first day and the seventh day immediately before both a general and a special election. Similarly, such reports must be filed within 21 days after each election.

The net result is that the report required 21 days after a primary falls just seven days before the one required 21 days before the general election. The Commission has suggested that the report after the primary is nearly duplicative and not significantly informative for a candidate who wins a contested primary or for a continuing political committee (either a party committee or a political action committee), since they must still meet the deadlines for the general election.

SUMMARY:

A candidate whose name will appear on the subsequent general election ballot or a continuing political committee is exempted from the requirement to file a campaign contribution and expenditure report 21 days after a primary election.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	91	4

EFFECTIVE: June 11, 1986

SSB 4783

C 246 L 86

By Committee on Judiciary (originally sponsored by Senators Thompson, Hayner and Newhouse)

Revising seizure provisions of the uniform controlled substances act.

Senate Committee on Judiciary

House Committee on Ways & Means

BACKGROUND:

Under the enforcement and administrative provisions of Washington State's Uniform Controlled Substances Act, materials and property used to commit or facilitate the commission of a violation of the act are subject to seizure and forfeiture by law enforcement officers. The proceeds from the sale of forfeited property under the act pays for the expenses of the investigation leading to the seizure. The remainder is divided evenly between the general fund of the state, county, and/or city of the seizing law enforcement agency, and the public safety and education account.

Language is suggested to address the distribution of proceeds that results when state and federal law enforcement collaborate in the seizure and forfeiture of property under the federal Controlled Substances Act.

SUMMARY:

State agencies, such as the State Patrol, that participate in the seizure and forfeiture of property under the federal Controlled Substances Act are authorized to receive moneys or property made available by the United States Attorney General. The agency must immediately deposit these proceeds into the state's public safety and education account.

If an agency is prohibited by the federal Controlled Substances Act from depositing these proceeds into the public safety and education account, the agency may use the proceeds for any purposes that are permitted under the federal Controlled Substances Act and the state law specifying the powers and duties of the agency.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: June 11, 1986

SSB 4790

PARTIAL VETO

C 297 L 86

By Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel and Talmadge)

Regulating the use and disposal of sludge.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

Municipal sewage sludge is the material left after treatment of wastewater by municipal sewage plants. Septic tank sludge is a similar material pumped out of septic tanks. As municipal treatment works in the state go to secondary treatment, the quantities of sludge in some cases will be more than doubled. Landfills are a problematic means of disposal for this sludge, due to the nature of the material and its quantity. Other management options for sludge include: land application to improve soils, selling or giving away of treated sludge to the public, or incineration. Currently sludge is regulated as a solid waste by both the Department of Ecology and the Department of Social and Health Services, with local health departments responsible for implementing these regulations.

Many sludges, including some industrial sludges from the wood products and food processing industries, can be used to improve the textural and nutrient qualities of soil. A growing number of municipalities,

including Metro, have gone to land application because of its lower cost and its resource recycling benefits.

There are many programs for selling or giving away composted or treated sludge materials in this state. There are no regulations requiring labels or notification of the public as to the proper use of these materials to avoid harm to health and the environment.

SUMMARY:

Landfilling of municipal sewage sludge and septic tank sludge (septage) for final disposal is unlawful after January 1, 1988. Beneficial use of sludge in landfill reclamation is not considered disposal. Exemptions may be allowed for financial reasons. Emergency landfilling may be permitted by local health departments. The Department of Ecology, after consulting with representatives of cities, counties and special purpose districts, is directed to adopt rules for the environmentally safe use of municipal and septic tank sludge. After consulting with industry representatives, the Department may adopt rules for the safe use of appropriate industrial sludges. Labeling of sludge products or notification of the public as to their proper use is also mandated. The Department is to provide a report to the appropriate standing committees of the Legislature on or before January 1, 1987 on its implementation of this chapter.

VOTES ON FINAL PASSAGE:

Senate	45	2	
House	73	23	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

The Department of Ecology is to report on implementation of the bill by January 1, 1987. (See VETO MESSAGE)

SSB 4797

C 289 L 86

By Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman)

Requiring a report on the underground storage tank problem in Washington state.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

Leaking underground storage tanks containing petroleum products and other hazardous substances may represent a serious threat to ground water quality in this state. There are an estimated 50,000 underground storage tanks in the state which are regulated under federal legislation. As many as half of these tanks may be 15 years old or older, approaching the average (16 years) when a tank may be expected to leak.

Currently, regulation of underground tanks is maintained by the Uniform Fire Code. The Department of Labor and Industries also enforces regulations regarding design and construction, and the Departments of Ecology and Social and Health Services prohibit ground water contamination by underground tanks.

In 1984 federal legislation was passed addressing this issue (Subtitle I, Resource Conservation and Recovery Act). Under this law, all tank owners in the state are to notify the Department of Ecology of their tanks by May 8, 1986.

The state law does not now require leak detection systems and recordkeeping by all tank owners, nor are owners required to provide evidence of financial responsibility.

SUMMARY:

The Department of Ecology, after consulting with representatives of the business community, shall submit a report to the appropriate standing committees of the Legislature by December 31, 1986, describing and assessing the underground storage tank problem in the state. The report shall include information on the number of underground storage tanks in the state; their location, age, size and construction; the substances stored in the tanks; and current leak detection methods. An overview of current and proposed underground storage tank programs of other states and the federal government shall accompany the report. The Department shall consider cost effectiveness of the programs and liability questions.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	90	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4814

C 149 L 86

By Committee on Ways & Means (originally sponsored by Senators McDermott and Bailey)

Providing education for children on abuse and neglect and creating a pilot project on educating and training young mothers.

Senate Committee on Ways & Means

House Committee on Education

House Committee on Ways & Means

BACKGROUND:

It is not unlawful under current law for a parent, guardian, or authorized agent, or a teacher in the exercise of lawful authority, to assault a child if the force used is reasonable and moderate and is used to restrain or correct the child. "Reasonable and moderate" is not defined.

Existing state statute governing common school curriculum does not direct school districts to provide instruction to students or in-service training to teachers on the prevention of child abuse and neglect. Teachers are required to report child abuse and neglect incidents to the proper law enforcement agency or to the Department of Social and Health Services.

SUMMARY:

It is the policy of the state to protect children from assault and abuse, and to encourage parents, teachers and guardians of children to use methods of correction and restraint which are not dangerous. The use of physical force to restrain or correct children is allowable by parents, teachers, and guardians of children (or by others authorized in advance by parents or guardians), but only when it is reasonable and moderate.

Examples of actions considered not to be reasonable or moderate include: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

The prevention of child abuse may be offered as part of the curriculum in the common schools. The State Board of Education is authorized to promulgate information and rules relating to the use of child abuse curriculum.

VOTES ON FINAL PASSAGE:

Senate	34	11	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	96	0	
Senate			(Amendments ruled beyond the scope and object)

Free Conference Committee

House	98	0
Senate	36	9

EFFECTIVE: June 11, 1986

SSB 4815

PARTIAL VETO

C 291 L 86

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Appropriating funds for public works projects.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The 1985 Legislature created a Public Works Board (RCW 43.155, Engrossed Senate Substitute Bill 4228 and Substitute House Bill 461) to finance repair and reconstruction of infrastructure facilities throughout the state. Before the Board can sign loan agreements, the Legislature must approve a prioritized list of projects. The Board must also submit to the Legislature a report describing each project (purpose, amount of funding, terms and conditions) and documenting the need and fiscal capacity of the city, county or special district applying for the loan.

The Legislature cannot change the priority ordering nor can it add projects.

SUMMARY:

A prioritized list of 40 projects totaling $17 million is presented for legislative ratification.

Loans cannot be made for projects in cities and counties where public utility taxes on garbage haulers have not been passed on to the consumer.

Appropriation: $17,052,093 is appropriated from the public works assistance account.

VOTES ON FINAL PASSAGE:

Senate	40	8	
House	96	0	(House amended)
Senate	43	4	(Senate concurred)

EFFECTIVE: April 4, 1986

PARTIAL VETO SUMMARY:

The provision that public works loans cannot be made for projects in cities and counties where public utility taxes on garbage haulers have not been passed on to consumers was vetoed. Garbage haulers were exempted from the public utility tax (and made subject to the business and occupation tax and a retail sales tax) in another bill (see SHB 1447). (See VETO MESSAGE)

SSB 4876

C 2 L 86

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Rasmussen, Bender, Peterson, Fleming, Bauer, Granlund and Halsan; by request of Governor)

Revising provisions relating to the low-level radioactive waste management program.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

Under the Low-level Radioactive Waste Act passed by Congress in 1980, Washington joined a regional compact that could begin excluding out-of-region waste beginning January 1, 1986, subject to ratification of the compact by Congress. Because most states had not made progress in building their own regional disposal facilities, Congress amended the act in 1985 to permit out-of-region disposal until 1992.

Regions with operating disposal sites may exclude waste from states that do not meet milestones between now and 1992. States also may impose surcharges on out-of-region waste. The maximum surcharge is $10 per cubic foot in 1986 and rises to $40 per cubic foot in 1992. The federal government holds 25 percent of the surcharge money, and returns that money to compacts that meet all required milestones. The law also allows Washington to limit the volume of waste accepted at Hanford to 1.4 million cubic feet per year, the approximate volume of waste currently being disposed there.

State legislation is necessary before Washington can implement the new authorities granted by Congress.

SUMMARY:

The Department of Ecology is designated as the state agency responsible for implementing the 1985 amendments to the Low-Level Radioactive Waste Act. The Department is responsible for collecting any surcharges, collecting waste disposal data and developing a computerized information system, and overseeing access to the Hanford disposal site and allocation of disposal space. The Governor is authorized to assess surcharges and penalties on waste disposal, up to the maximum extent permitted by federal law. Money collected is deposited in the general fund.

Authority to issue site use permits to waste generators and brokers and collect permit fees is transferred from the Radiation Control Branch of the Department of Social and Health Services to the Department of Ecology. The cap on the surveillance fee charged site users is raised from 3 to 4 percent of the basic disposal fee.

The Department of Ecology is directed to conduct a study to define site closure and perpetual care and maintenance requirements for the Hanford facility and to assess the adequacy of insurance coverage for the site.

The Department also is directed to pursue federal funds for the management of wastes that are both toxic and radioactive and to report annually to the Legislature on the radioactivity and volume of waste disposed at the site.

Revenue: The Governor is authorized to impose a surcharge on out-of-region low-level radioactive waste.

VOTES ON FINAL PASSAGE:

Senate	39	10
House	92	0

EFFECTIVE: February 21, 1986 (Sections 3 & 4)
June 11, 1986

SSB 4888

C 165 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Owen and Warnke)

Requiring dealers to display the cash selling price on used vehicles.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Used car dealers frequently engage in evasive tactics with respect to the asking price of the vehicles on their lot. The effect of this practice is to force the prospective purchaser to make an offer. Such approaches as "how much do you want to spend?" place purchasers who are not sophisticated in negotiating, or knowledgeable of the typical price for the vehicle in question at a bargaining disadvantage with the dealer.

SUMMARY:

A written statement of the cash selling price is required to either be placed on all used vehicles, or disclosed on request, which is a binding offer to sell at or below the stated price at that time. The dealer is not precluded from raising the price at a later time.

Failure to comply is a violation of the Consumer Protection Act and the Motor Vehicle Unfair Business Practices Act.

Coverage includes motor homes, RV's, travel trailers, motorcycles and virtually all vehicles.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	80	16	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4891

C 199 L 86

By Senators Vognild and Cantu

Permitting certain requirements for motor vehicle dealers to be waived.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Vehicle dealers are required to maintain an established place of business. The dealers are required to maintain a permanent enclosed building, display an exterior sign, and keep a display area all according to certain statutory specifications. The Director of the Department of Licensing has no authority to waive any of the requirements pertaining to a vehicle dealer's established place of business.

SUMMARY:

The Director of the Department of Licensing is authorized to waive any of the requirements pertaining to a vehicle dealer's established place of business, if in the Director's opinion, the purposes of the law will still be achieved.

The waiver must also be necessary because of unique circumstances such as a location divided by a public street or because the business is highly specialized.

VOTES ON FINAL PASSAGE:

Senate	42	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4894

C 163 L 86

By Senators Conner, Granlund, Hayner, Bottiger and Bauer

Increasing benefits for volunteer firemen.

Senate Committee on Ways & Means

House Committee on Ways & Means

SB 4894

BACKGROUND:

The state rural and suburban areas have a network of volunteer firemen organized by districts which are administered by a limited number of full time employees. The volunteers are trained in fire fighting and emergency care and respond to fire and emergency calls as required.

Although the volunteers are unpaid, pension relief and disability benefits are provided by state law. In order to fund the death and disability benefits, a trust fund is established into which the following revenue is deposited: $3.00 for each volunteer or part-time paid fireman paid by the municipal corporation; 0.5 percent of the annual salary of each full-time paid employee. If a fireman chooses to participate in the retirement program, the authorized political subdivision is required to pay $10 annually and the individual fireman is required to contribute $20 annually. Finally, 40 percent of the fire insurance premium tax is placed into the trust fund. The moneys received may be invested.

If a volunteer fireman is physically or mentally disabled, or sick, as a result of the performance of duty, a benefit of $900 per month for six months is paid, or $30 per day if the disability is less than one month. If the disablement is longer than six months and the disabled fireman is not gainfully employed, $450 per month is paid for the length of the disability, plus $90 per month if there is a spouse, $45 additional per month for the youngest or only child under age 18 or unemancipated, and $35 per month for each additional child under the age of 18 or unemancipated, to a maximum benefit of $900 per month. If there is a permanent partial disability, a lump sum payment as provided under Industrial Insurance will be paid.

If the fireman dies as a result of duty or from a duty disability, an initial lump sum death benefit of $2,000 is payable to the surviving spouse, the surviving children if there is no surviving spouse, or to the parents of the fireman if there are no surviving spouse or children. If there is a surviving spouse, a further monthly benefit of $180 per month is paid for the life of the spouse, plus $45 per month for the youngest or only child under the age of 18 or unemancipated, and an additional $35 per month for each additional child under the age of 18 or unemancipated, to a maximum of four children. If there is no surviving spouse but children survive, the youngest child is awarded the $180 per month until attainment of age 18 or are emancipated. If there are neither surviving spouse or children, but parents dependent on the deceased fireman, the surviving parents or either of them shall receive $180 per month for life. If the surviving spouse or the surviving parent remarry, they are not eligible to continue receiving the $180 per month benefit. Finally, a lump sum payment to the appropriate survivor may be made, except the amount shall not exceed $12,000, equal or proportionate, to the remaining annuity. A further funeral and burial expense of $1,000 is payable for a fireman dying as a result of injuries or sickness resulting from the performance of the fireman's duty, and $500 for a fireman dying while receiving a disability benefit.

A retirement benefit is vested and payable at age 65 if the fireman has completed 10 or more years of active service. Normal retirement is granted at the attainment of age 65. If the member had contributed to the retirement fund for 25 years, a monthly pension benefit of $200 is payable. If the member had served for a period of 25 years or more, but had not contributed for that entire time, a monthly pension benefit of $25 is payable, plus $7 monthly for each year in which the member contributed to the retirement fund, with the total benefit not to exceed $200 per month. An early retirement pension benefit is provided with a decrementing percentage factor based on the service rendered.

SUMMARY:

The monthly disability benefit is revised from $900 per month to $1,200 per month for six months, or from $30 per day to $40 per day if the disability is for a period less than one month. The disability benefit for that period over six months is increased from $450 per month to $600 per month, with the additional amount for the spouse or youngest child under the age of 18 without spouse increased from $90 per month to $120 per month, and the amount for additional children under the age of 18 increased from $35 per month to a maximum total benefit of $900, to $50 per month to a maximum total benefit of $1,200.

The basic death benefit is increased to the surviving beneficiary from $120 per month to $600 per month, with an additional amount for surviving children raised from $45 per month to a maximum of four children to $50 per month to a maximum total benefit of $1,200 per month.

If the surviving child or children under the age of 18 are not in the legal custody of the surviving spouse, the additional amount of benefit provided for the child or children is to be subtracted from the benefit paid to the surviving spouse and paid to the person or persons having legal custody of the child or children.

If there is no surviving spouse, the youngest child is to receive that amount specified above for a surviving

spouse and any remaining surviving children under the age of 18 shall receive the revised amount above to the $1,200 maximum total benefit.

The funeral and burial benefit for a fireman dying from injuries or sickness occurring from the performance of the fireman's duty is revised from $1,000 to $2,000.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	96	0

EFFECTIVE: June 11, 1986

SSB 4897

C 219 L 86

By Committee on Judiciary (originally sponsored by Senators Bender, Newhouse and Bottiger)

Requiring certification of process servers.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

A 1927 State Supreme Court decision interprets service of process as "judicial business," and governed by the statute prohibiting judicial business on Sundays or other legal holidays. Washington statutes no longer specifically prohibit service on legal holidays and, as these services are considered administrative in nature, it is suggested that civil process be allowed on legal holidays.

In some circumstances a process server may be convicted of criminal trespass for walking onto private property to serve an individual. As private process servers serve the majority of civil process in this state, it appears that servers need a defense to prevent future obstacles to the effective administration of the court system.

SUMMARY:

A process or subpoena which does not require immediate judicial or court action may be issued or served on a legal holiday.

In an action for criminal trespass, it is a defense that the actor is attempting to serve legal process, excluding delivery by the United States mail. This defense applies as long as the actor does not enter into a private residence or other building not open to the public, and entry onto the premises is reasonable and necessary for the service of legal process.

VOTES ON FINAL PASSAGE:

Senate	36	11	
House	96	0	(House amended)
Senate	37	8	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4898

C 311 L 86

By Committee on Natural Resources (originally sponsored by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr)

Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction.

Senate Committee on Natural Resources

House Committee on Local Government

BACKGROUND:

In 1985, several fires started on the L.T. Murray game range and on other state fire protected lands in eastern Washington. Many fire protection districts ventured outside their district boundaries to suppress these wildfires. The cost of such suppression has been borne by the assessment to landowners within the district. The high costs of suppressing fires on unprotected and unassessed lands has been an issue in eastern Washington.

SUMMARY:

Fire protection districts are encouraged to enter contracts with state agencies covering reciprocal response agreements relating to fire protection. In the absence of such agreement, a fire district taking immediate suppression action outside its jurisdictional boundaries on land protected by a state agency shall be reimbursed for reasonable costs but only until the responsible agency or district arrives at the fire and takes charge (to a maximum of 24 hours). Costs for reimbursement shall include salaries and expenses of personnel, equipment and supplies and shall take into consideration the amount of compensation paid by

the fire protection district to its fire fighters. To be eligible for reimbursement, reasonable notice and evidence of protection are required.

A fire protection district may take such suppression action outside its jurisdiction only if such immediate response could prevent the spread of the fire onto lands protected by the fire protection district.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4905

C 313 L 86

By Committee on Transportation (originally sponsored by Senators Peterson and Patterson; by request of Governor)

Adopting the supplemental transportation budget.

Senate Committee on Transportation

House Committee on Transportation

SUMMARY:

Transportation budget appropriations are provided for the 1985-87 biennium. (See supplemental transportation budget.)

VOTES ON FINAL PASSAGE:

Senate	41	6	
House	89	8	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	84	9
Senate	37	8

EFFECTIVE: April 4, 1986

SB 4906

C 290 L 86

By Senators Peterson and Patterson

Modifying provisions on the issuance and sale of certain highway bonds.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Bonds issued by the state to finance highway construction and other transportation capital projects pay fixed interest rates that are determined at the time the bonds are issued, and have maturity dates (dates on which principal payments are made to bondholders) that range from one year up to 25 years after the bonds are issued. Annual interest payments on each bond are constant until its maturity date.

The State Finance Committee has the responsibility of issuing the bonds that finance transportation capital projects and other capital projects undertaken by the state.

Under some financial market conditions, the state could reduce interest costs on bonds by issuing bonds that are known as "variable rate bonds". In recent years, variable rate bonds have been issued by other states and local governments in those states to meet portions of their debt financing requirements.

Interest rates on variable rate bonds are not fixed; they vary with interest rates on other assets traded in financial markets. Variable rate bonds issued for capital projects generally have maturity dates of one year or more. However, they have features that allow issuers to pay investors short-term interest rates instead of the long-term rates that are paid on bonds currently issued by the state for transportation capital projects.

The State Finance Committee already has the authority to issue variable rate bonds. However, state law does not give the Committee the authority to use certain credit or liquidity instruments that are needed to implement variable rate bond programs for transportation capital projects.

SUMMARY:

The State Finance Committee is authorized to use credit or liquidity instruments such as bond purchase agreements and letters of credit that will enable the Committee to issue variable rate bonds to finance

Urban Arterial Program projects and state highway construction projects, and ferry system capital projects.

The State Finance Committee also is authorized to issue Urban Arterial Program bonds through negotiated sales as well as the competitive bid process. The Committee already has this authority for other bond programs that have been authorized by the Legislature.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate	47	1	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4917

PARTIAL VETO

C 279 L 86

By Committee on Financial Institutions (originally sponsored by Senators Moore, Newhouse and Bender)

Modifying provisions of Title 30 RCW.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Commercial banks and trust companies chartered under Washington law are subject to the supervision of the Supervisor of Banking in the Department of General Administration. Many provisions in statute governing bank organization, shareholder rights, supervisor powers, and bank powers are believed to need revision in light of changing economic forces and general corporation powers for nonbanking corporations.

The Supervisor of Banking has general supervisory control of commercial banks and has the authority to adopt rules and regulations. The rules and regulations are effective 30 days after they are mailed to the state-chartered banks. The state Administrative Procedure Act provides a procedure for adoption of rules and by its terms supersedes all other statutes in conflict.

Banks have only limited authority to purchase or own stock in nonbanking corporations. They are also limited in the ownership of banking related organizations. In addition to those powers conferred by state statute, state-chartered banks are given the powers which have been conferred on federally chartered commercial banks by Congress or the Federal Reserve Board. State-chartered banks may not purchase more than 5 percent of the shares of their own stock. As of July 1, 1985, state-chartered banks with paid-in capital of at least $500,000 may establish branches anywhere within the state. Banks with at least $200,000 are limited to branching within their county. Banks with capital of at least $1 million may establish branches in foreign countries to aid in financing or facilitating exports and imports and commodity trading.

Bank stock is required to be issued in shares with a value of between $10 and $100. The board of directors of a bank may, with the Supervisor's approval, issue preferred stock. The bank may also provide for authorized but unissued stock for stock option plans, for sale to new directors, or, if not more than 50 percent of currently outstanding shares, for any other purpose.

All members of the board of directors of a bank must be residents of Washington. The articles of incorporation must specify the period of time of existence for the bank.

Directors, officers, or employees of a bank may not purchase any assets of a bank without the written consent of the Supervisor and approval of the board of directors. Violation of these restrictions is a gross misdemeanor and results in a penalty assessment of double the amount of any loss, one-half going to the state and one-half to the bank. The corporation code contains provisions restricting transactions involving interested shareholders. No such comparable provisions apply to bank shareholders.

Federal regulators in charge of supervising state-chartered institutions rate those institutions according to their performance. The federal regulators may share this information with state regulatory agencies.

SUMMARY:

The Supervisor of Banking may adopt rules governing banks and trust companies in conformance with the Administrative Procedure Act. A copy of any rules adopted must be mailed to each state-chartered bank. The Supervisor is given broad administrative discretion over banks under his or her supervision.

State-chartered banks are not limited in the amount of their own stock that may be purchased, subject to approval of the Supervisor. The minimum capital requirements for statewide branching are eliminated, permitting any bank, with the approval of the Supervisor, to branch anywhere within the state. Banks with a minimum capital of $1 million may establish a branch in a foreign country for any purpose. The Supervisor of Banking may authorize banks to engage in activities authorized by Congress for national banks or the Federal Reserve Board for bank holding companies.

Bank stock may be issued for par value or for no par value. The articles of incorporation may provide for the issuance of shares of preferred or special classes of stock. Authorized but unissued shares may be provided for any purpose.

The members of the board of directors are not required to be residents of the state or own shares of stock in the bank. A bank is organized for an unlimited time, rather than for a limited time.

Directors, officers, or employees of a bank may not purchase any assets of a bank worth more than $10,000 without the consent of the Supervisor and approval of a majority of uninterested members of the board. No separate penalty provisions apply to transactions in violation of this section.

The Supervisor of Banking is directed to study questions concerning appropriate bank powers and report his recommendations to the Governor and Legislature not later than November 1, 1987.

The Supervisor is required to make public a "watch list" of financially-troubled banks.

VOTES ON FINAL PASSAGE:

Senate	42	3	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	96	0
Senate	47	0

EFFECTIVE: June 11, 1986

PARTIAL VETO SUMMARY:

Sections are eliminated which require the Supervisor of Banking to make public a "watch list" of financially-troubled banks. (See VETO MESSAGE)

SSB 4923

C 247 L 86

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Zimmerman and Thompson)

Authorizing an interim alternative allocation mechanism for tax exempt bonds.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

Existing federal law establishes an annual ceiling which limits the dollar volume of certain types of bonds that may be issued in any state where the bond interest payments are not subject to federal income taxes. The Washington State Legislature enacted legislation in 1985, as authorized by federal law, establishing a distribution formula for this annual capacity. Many municipal bonds issued for traditional public purposes and many of the new nonrecourse revenue bonds issued for private purposes are subject to this annual ceiling. The Tax Reform Act of 1985 (H.R. 3838), currently being considered by Congress, includes bonds not previously subject to the ceiling, and it contains an effective date retroactive to January 1, 1986.

Some entities are having difficulty issuing bonds because of the retroactive effective date of the proposed federal legislation. Bond issuers must act as if the proposed bill was already law in order to ensure that the bond interest will be tax exempt. States are allowed to alter the allocation formula for the state ceiling by statute, but the proposed federal legislation may be substantially revised by the time it is enacted. A state statute enacted before the passage of the federal law may not address the new changes. If an alternative mechanism for allocating the issuance of tax exempt bonds is not established and the federal law passes, then the federal allocation mechanism must be used. The state would not be able to utilize much of its bonding authority if the federal allocation system is used.

Proponents suggest that a statute which temporarily empowers the Governor to reallocate the state ceiling would provide the flexibility needed to address any change in federal law pertaining to the state ceiling.

SUMMARY:

The Governor is authorized to promulgate by executive order an interim, alternative allocation mechanism for the issuance of tax exempt bonds until the Legislature can review federal tax law changes. Any such executive order will be effective only until July 1, 1987.

If an issuer of tax exempt bonds finds that it will probably not use its entire portion of the state ceiling, then it must notify the Governor. The Governor must provide at least 30 days notice to other issuers who requested additional allocations before reallocating this unused portion.

The Department of Community Development is directed to report to the Governor and the Legislature by December 1, 1986 on the previous and projected usage of allocations of the state ceiling. The report shall include the status of the federal law and recommendations regarding allocations of the state ceiling.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: April 3, 1986

SSB 4926

C 215 L 86

By Committee on Governmental Operations (originally sponsored by Senators Thompson, McDonald, Rinehart and Cantu)

Revising provisions relating to agency reporting of fiscal data under the budget and accounting act.

Senate Committee on Governmental Operations

House Committee on Ways & Means

BACKGROUND:

As it has evolved over the last two decades, the objective of the State Budget and Accounting Act has been to achieve effective fiscal controls for state government. Some concern has been expressed that the effort to gather, compile and synthesize budget data has taken precedence over reporting and communicating verifiable revenue and expenditure activity.

SUMMARY:

"Reporting" is specifically added to the purposes and definitions of the Budget and Accounting Act (Chap. 43.88 RCW).

With respect to biennial budget requests, the Office of Financial Management (OFM) must provide final instructions at least three months before agency budget documents are due. Several changes incorporating new deadlines are made in the allotment (expenditure allowance) process: OFM must provide final allotment instructions at least 30 days before the new biennium begins; agencies must submit proposed expenditure (allotment) plans to the Governor within 45 days after the fiscal period begins or within 45 days after the Governor signs the omnibus biennial budget. Old language describing the content of proposed expenditure statements and establishing revision procedures is deleted.

Except for the legislative and judicial branches and agencies headed by elected state officials, the Governor reviews proposed expenditure statements for reasonableness and conformance with legislative intent. Once the statements are approved by the Governor, further revisions may only be initiated by the Governor at the beginning of the second fiscal year, unless legislative changes are made in appropriation levels, the Governor mandates across-the-board reductions or executive increases are made to spending authority. The Governor may place in reserve any portion of an agency appropriation withheld in an across-the-board cut or contingency appropriation.

The Director of OFM must enter the approved expenditure proposals into the budgeting, accounting and reporting system within 45 days after receiving them from the agencies. If an agency or the Director of OFM is unable to meet these requirements, the Director must provide a timely written explanation to the legislative fiscal committees.

Agencies must close their books within 90 days of the end of the fiscal year. They must also reconcile fiscal data presented in legislative committees with fiscal data reported to OFM prior to testifying. In monitoring agency expenditures, OFM must examine them against the proposed expenditure plan and provide the Legislature with quarterly explanation of major variances.

In accounting for budget data, the requirement for comprehensive central accounts is revised to require a level of detail deemed necessary by the Director of OFM to perform central financial management.

The Director of OFM is no longer required to conform quarterly reports with the revenue and economic forecast. The Legislative Evaluation and Accountability Program (LEAP) Committee is specifically authorized to review the Budget and Accounting Act and recommend any needed changes.

The old section dealing with allotment entries and exception filings and the provision relating to budget allotments for the Superintendent of Public Instruction are repealed.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	0

EFFECTIVE: June 11, 1986

SB 4927

C 200 L 86

By Senators Moore and Newhouse

Requiring monitoring of health services furnished to industrially injured workers.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries, Division of Industrial Insurance, has begun a medical service provider audit program with the goal of increasing effectiveness and economy of health care services purchased by the Department. This is in part in response to a recommendation of the Joint Select Committee on Workers Compensation.

The audit authority of other state agencies has been challenged by providers, revealing the need for a clearer, more comprehensive statutory audit authority.

The Department also lacks clear authority to refuse to do business with duly licensed providers on the basis of the quality of care and improper billings.

While the Department is required to pay interest to providers when warrants are not issued in a timely fashion, they cannot charge interest on overpayments.

SUMMARY:

The Department is given authority to audit provider records, including patient records, and to deny applications to participate as a provider, including the authority to terminate or suspend such eligibility.

Providers who unintentionally obtain overpayment are made liable for the excess received plus interest at the rate of 1 percent per month. Penalties are provided for intentional false statements or other fraudulent devices on the part of providers. The penalties are the amount of overpayment, plus interest, plus civil penalties assessed by the Director, not to exceed the greater of $1,000 or three times the amount of the excess payments.

The intentional false statement or other fraud for the purpose of securing overpayment is made a class C felony, with a maximum fine of $25,000. This penalty would appear to apply to claimants as well as providers.

A separate criminal penalty, also a class C felony, is imposed on providers engaging in kick back, bribe or rebate schemes.

The Department may require providers to make self-sworn statements under the penalty of perjury in connection with submission of billings.

The Department may refer an injured worker to a particular treatment or provider based on special treatment needs, and may enter into certain volume based contracts for services.

The 60-day notice of appeal to the Board section is amended to provide a 20-day notice with respect to orders for repayment of overpayments to medical providers. The same provision is added with respect to appeals to the superior court.

The term "health services provider" is defined as any person or entity providing treatment services to an industrially injured worker.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	95	1	(House amended)
Senate	42	0	(Senate concurred)

EFFECTIVE: April 1, 1986

SSB 4933

C 248 L 86

By Committee on Governmental Operations (originally sponsored by Senators Fleming, Zimmerman, Rinehart, Deccio and Garrett)

Authorizing counties and cities to assist in low-income housing.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Cities and counties are authorized by federal law to use federal community block grant funds and revenue sharing funds to operate low income housing loan programs. However, federal housing resources are declining and cities and counties have turned to the use of their own general fund monies to meet the need for low income housing. Other funding proposals are being considered by some cities and counties.

There is no specific authority for cities and counties to lend funds for low income housing. There is also some question as to whether such loans are capital expenditures or the purchase of a service, thus subject to competitive bidding or to the prohibition against advance payment for services.

SUMMARY:

Cities and counties are authorized to expend general fund monies to provide for low income loans. Housing constructed with loans or grants from the general fund monies are exempt from competitive bidding requirements or the prohibition against advance payment for services.

A proviso is added to sections 1 and 2 that requires borrowers and grantees to utilize a competitive public bidding process whenever feasible.

VOTES ON FINAL PASSAGE:

Senate	35	13
House	80	16

EFFECTIVE: June 11, 1986

SSB 4949

C 216 L 86

By Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Johnson, Deccio, Kreidler, Bender and Zimmerman)

Requiring an approved list for inspections by health care assistants.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The law certifying health care assistants passed in 1984 (Chapter 18.135 RCW). That law authorizes health care assistants to administer skin tests and injections, and to withdraw blood. The Department of Licensing (DOL) is designated to promulgate regulations for health care assistants which protect the health and safety of the patient.

The Joint Administrative Rules Review Committee (JARRC) reviewed the DOL rules in the fall of 1985. The JARRC received testimony indicating the rules violated legislative mandate and intent by not adequately addressing the issues of training for each health care assistant category, and restrictions on the use of drugs or diagnostic agents that can be administered by injection by health care assistants. Testimony also indicated a need to clarify legislative intent regarding the supervision of health care assistants. The JARRC concluded that given possible problems in the statute and implementing rules, the issue should be referred to the appropriate Senate and House standing committees for resolution.

SUMMARY:

An intent section is added to the Health Care Assistants Act declaring that the citizens of the state of Washington have a right to expect that health care assistants are adequately trained and that the implementing rules ensure public health and safety.

The Department of Licensing is required to adopt minimum requirements for each category of health care assistants and must consider input from representatives of each category in the rule making process.

The requirements established for health care assistants must include the types of drugs or diagnostic agents that are administered by injection by health care assistants working in a hospital or nursing home. A health care practitioner or health care facility must

maintain a list of specific medications, diagnostic agents and the route of administration of each that the practitioner or facility has authorized for injection. The delegator and delegatee are required to sign the list and forward it to the Director of the Department of Licensing.

Where a health care assistant administers an injection in a nursing home or hospital, a health care practitioner is required to be physically present in the immediate area where the injection is administered. This requirement does not apply to skin tests.

Health care assistants are prohibited from administering by injection any controlled substance, experimental drug, and any cancer chemotherapy agent unless a delegator is physically present in the immediate area where the drug is administered.

VOTES ON FINAL PASSAGE:

Senate	27	0	
House	96	0	(House amended)
Senate	27	15	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 4959

C 78 L 86

By Senators Lee, Metcalf, Bluechel, McDonald, Rasmussen, Benitz, Hayner, Zimmerman, Sellar and Stratton

Including promoting pornography within criminal profiteering.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Criminal Profiteering Act generally became effective on July 1, 1985. The act provides a variety of special civil and criminal penalties and remedies.

To be subject to the provisions of the act, a person must commit certain specified crimes which constitute a "pattern" of profiteering activities. A "pattern" means at least three acts of criminal profiteering within a five year period having the same intent, results, accomplices, principals, victims, or methods of commission.

The crime of promoting pornography is not listed as an act which constitutes "criminal profiteering."

SUMMARY:

The crime of promoting pornography is added to the list of felonies which qualify as an act of criminal profiteering under the Criminal Profiteering Act of 1985.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	90	6

EFFECTIVE: June 11, 1986

SB 4968

C 249 L 86

By Senators Warnke and Rasmussen; by request of Employment Security

Authorizing transfer of funds for unemployment insurance program.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

In 1983, the Federal Interest Payment Fund was established within the Employment Security Department for the purpose of paying the federal interest on money borrowed from the Federal Loan Fund. By January of 1984, it was necessary for the state to borrow $62 million from the Federal Loan Fund. Contributions to the Federal Interest Payment Fund were made by the state's employers on wages paid during the first quarter of 1984. However, no interest payment was necessary since the loan was repaid prior to the due date for the payment. The balance in the Federal Interest Payment Fund is $3.2 million as of November 6, 1985 and interest continues to accrue.

For the federal fiscal year 1986, the Department's budget for nonpersonal services was reduced by $1 million. In addition, effective March 1, 1986, the Department faces another reduction in excess of $1 million as a result of the Federal Deficit Reduction Act or "Gramm–Rudman Act." The Department concluded that it is in the best interest of the state to transfer the money from the Federal Interest Payment Fund to offset the effects of the reduced federal resources.

SUMMARY:

One million five hundred thousand dollars shall be transferred from the Federal Interest Payment Fund to the Unemployment Compensation Fund.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	93	3	(House amended)
Senate	33	14	(Senate concurred)

EFFECTIVE: April 3, 1986

SB 4982

C 131 L 86

By Senators Owen, Craswell, Metcalf, McCaslin, Thompson and Hayner

Broadening the definition of indecent liberties.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Under the current indecent liberties statute, it is a crime to force a person to have sexual contact with another or to have sexual contact with a person less than 14 years of age. Persons over 14 receive no protection under this statute unless force is used.

SUMMARY:

It is a crime to have sexual contact with another person when the victim is less than 16 years of age and the perpetrator is more than 48 months older than the person and is in a position of authority.

Person in a position of authority means any person who is (1) a parent, (2) acting in the place of a parent and is charged with any of a parent's rights, duties, or responsibilities to a child, or (3) charged with any duty or responsibility for the health, welfare, education, or supervision of a child.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 4990

C 217 L 86

By Committee on Parks & Ecology (originally sponsored by Senator Goltz)

Regulating river running.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

White water rafting is an increasingly popular sport and a growing business, with an estimated 30 major operators and at least twice that number of persons who guide one or a few trips per year. The sport can be dangerous, especially so on Washington's cold, fast rivers, which run steeply down from glacier-fed origins. Since 1980 three deaths have been associated with commercially led river trips. An estimated 50,000 people per year in this state take these trips -- not all on white water sections of the rivers.

Washington does not regulate white water rafting. Most states do require safety equipment, training, licensing or permitting of operators, and/or liability insurance. A few stretches of our rivers come under minimal local regulations, such as within the city limits of Leavenworth. Federal regulations apply in National Forests and within the Olympic and North Cascades National Parks.

SUMMARY:

Persons carrying passengers for hire on white water river sections in this state may register with the Department of Licensing. Proof is required that the registrant has a minimum of $300,000 liability insurance. Fees are to be set for registration, in accordance with RCW 43.24.086. Misrepresentation of registration is a gross misdemeanor. The list of registrants is to be provided to the Department of Trade and Economic Development, Tourism Promotion Division.

Trips where expenses are shared by participants on an even basis shall not be deemed as "carrying passengers for hire." Fishing guides licensed under Chapter 77.32 RCW are exempt from this chapter. Boat operators and passengers shall not allow the use of alcohol during the course of the trip on a white water river section.

Safety equipment is specified, including multi-chambered rafts, first aid kits, throw-bags, and life jackets. Watercraft may not be overloaded, except in an

emergency, and may not navigate in white water without an accompanying craft. Operators must have first aid training.

White water rivers are defined as specific sections of Washington rivers, and any other river section designated by the Interagency Committee for Outdoor Recreation.

Any state and local enforcement officers, wildlife agents and fisheries patrol officers may enforce the provisions of this chapter. Civil penalties of up to $150 per violation are set.

VOTES ON FINAL PASSAGE:

Senate	29	19	
House	67	29	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	50	46
Senate	25	15

EFFECTIVE: June 11, 1986

SSB 5005

C 218 L 86

By Committee on Financial Institutions (originally sponsored by Senators Talmadge and Moore)

Providing consumer buyer protection in credit service transactions.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

In exchange for money, a credit services organization assists individuals in obtaining credit. A credit services organization is not a financial institution.

Presently, credit services organizations are unregulated businesses. Proponents of this legislation believe that regulation is necessary in order to stem fraudulent activity by credit services organizations.

SUMMARY:

Unless a credit services organization has obtained a surety bond for $10,000, it may not charge or receive any money prior to full and complete performance of the services it has agreed to perform for the buyer.

All contracts must be in writing and specify cancellation rights, terms of payment, and a full description of the services to be performed by the credit services organization.

A waiver of rights as to any provision of this act is void. A violation of this act is a gross misdemeanor. A civil action may be brought for damages including reasonable attorney's fees; and, a violation of this act is an unfair business practice.

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	92	0
Senate	45	1

EFFECTIVE: June 11, 1986

SSB 5026

C 201 L 86

By Committee on Parks & Ecology (originally sponsored by Senator Kreidler)

Providing for a study on hazardous waste disposal by farmers.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

Currently farmers have no practical or economical means of disposing of small quantities of hazardous waste, including pesticides no longer approved for use. If there should be leaks or spills due to corrosion of the containers or other causes, this could represent a danger to water quality, and a serious liability question for the farmer.

SUMMARY:

The Department is directed to conduct a study of the problem of disposal by farmers of small amounts of hazardous wastes, including pesticides with uses cancelled or restricted after purchase. The Department is to consult with an advisory group consisting of representatives from the Department of Agriculture, a public interest group, an environmental organization, a

public health organization, and three representatives from agriculture organizations. The Department is to survey farmers, with the aid of the Department of Agriculture, state-licensed pesticide consultants and dealers, Washington State University, and the Cooperative Extension. The report is to discuss recycling, treatment, and disposal options for the wastes, liability, and a program for education and for collection of wastes from farmers. The report is to be submitted to the appropriate standing committees of the Legislature by January 1, 1987.

Appropriation: $49,500 for the Department of Ecology for the biennium ending June 30, 1987.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	94	2	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1986

SB 5033

C 150 L 86

By Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Providing for voluntary accreditation of preschools.

Senate Committee on Education

House Committee on Education

BACKGROUND:

A Task Force on Children's Day Care was formed by the Governor by Executive Order No. EO 85-05 on July 5, 1985. The mission of the Task Force was to study key issues in day care and to advise the Governor, the Legislature and the public on action which might impact day care issues.

Included in the Task Force Report issued in December of 1985 is a recommendation that day care operators be encouraged to seek accreditation.

SUMMARY:

The State Board of Education must establish standards and procedures for the accreditation of preschools. "Preschool" is defined as an educational program that emphasizes reading skills and that enrolls preschool age children on a regular basis for four hours per day or less. Nonpublic preschools are encouraged to apply for accreditation.

No entity may advertise that it is operating an accredited preschool unless it has been accredited. Any person with a pecuniary interest in the operation of a preschool is guilty of a misdemeanor and subject to a fine of $100.00 per day if they so advertise.

If the State Board of Education establishes an advisory committee to assist in the development or selection of standards, at least one member of the advisory committee shall represent private preschools.

VOTES ON FINAL PASSAGE:

Senate	35	13	
House	54	42	(House amended)
Senate	33	9	(Senate concurred)

EFFECTIVE: June 11, 1986

SSB 5037

C 151 L 86

By Committee on Education (originally sponsored by Senators Gaspard and Bauer)

Requiring a study of the number of ninth through twelfth grade dropouts.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Nationally, about 25 percent of all students who enter ninth grade drop out of school prior to graduation from high school four years later. It is estimated from available data that the dropout rate in Washington falls generally within the 20 to 25 percent range as an annual statewide average. The uniform collection of data would assist the state and school districts in better addressing the problem of students who either are at risk of dropping out or who have dropped out of school.

SUMMARY:

The Superintendent of Public Instruction is directed to report annually to the Legislature, beginning in 1987, the dropout rates for students in grades 9-12, the dropout rates for students in grades 9-12 by ethnicity, and the causes or reasons attributed to students for having dropped out of school.

School districts are required to report such information under rules adopted by the SPI. The rules must assure uniformity in the information to be collected and reported.

Beginning with the 1991 legislative session, the report submitted to the Legislature by the SPI must include the number of students in grades 9–12 who drop out over a four–year period.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	92	5

EFFECTIVE: June 11, 1986

SSB 5044

PARTIAL VETO

C 203 L 86

By Committee on Agriculture (originally sponsored by Senators Hansen and Barr)

Modifying department of agriculture commodity authority.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

The Department of Agriculture has numerous programs which affect the production and marketing of agricultural products. The Department requires the licensing of pesticide applicators to comply with requirements of federal law. The Department licenses and audits grain warehouses as provided in the Grain Warehouse Act. Christmas tree growers cannot utilize enabling legislation for the petitioning, election and formation of a commission for conducting a marketing and production research program relating to Christmas trees. Rapeseed is an agricultural crop that has a potential for being grown in the state. However, geographic separation is needed to avoid cross pollination of varieties specialized for use in cooking oils from those varieties used in lubricants and plastics.

SUMMARY:

The maximum allowable balance in the Horticultural Inspection Trust Fund is increased from $75,000 to $300,000. The number of horticultural inspection districts is reduced from four to three. The Apple Advertising Commission is authorized to fund commodity related education, training and leadership programs. The various categories of pesticide applicators can be required to take a reexamination or meet other recertification standards such as attending continuing education courses. Fees collected by the Director of Agriculture for livestock diagnostic services are to be retained and spent only by the livestock diagnostic services program. License fees for warehouses and grain dealers are increased to provide additional funding for the warehouse auditing functions administered by the Department. The agricultural commodity commissions are exempt from assessments by the Department of General Administration for the regulation of housing of the various state agricultural commodity commissions. Producers of Christmas trees are enabled to form a Christmas tree commission if they satisfy statutory requirements for petitioning and election of Christmas tree growers. The Department of Agriculture is provided authority to regulate the production of rapeseed by variety and geographic location. If a Rapeseed Commission is formed, the Commission shall assume the regulatory authority to avoid cross pollination of specialized rapeseed varieties.

Theaters or other commercial food services establishments that sell popcorn must post a sign visible to the public showing whether real butter or whether a butter–like flavoring is served on the popcorn. If a butter–like flavoring is used, the sign is to disclose the ingredients. Kosher food products are exempted from provision of the Food, Drug and Cosmetic Act as necessary to permit the production of kosher food products.

The Department of Agriculture is provided authority to levy a civil penalty of up to $10,000 for violation of the standards for component parts of fluid dairy products. The Department is to adopt rules by January 1, 1987 to implement the civil penalty provision. The rules are to become effective on July 1, 1987. The Director of Agriculture shall establish a committee to study issues related to packaged fluid dairy products standards. The committee is to be composed of dairy producers, dairy processors and the Department of Agriculture. The report of recommendations is to be provided by November 1, 1986.

Producers of organic food products and fish and fish products are enabled to form a commission to conduct a marketing program under the commodity commission enabling statutes.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	97	0	(House amended)
Senate	34	9	(Senate concurred)

EFFECTIVE: April 1, 1986 (Sections 21 and 22)
June 11, 1986

PARTIAL VETO SUMMARY:

The Governor's veto removes a provision which duplicates language relating to the establishment of a marketing program for Washington-bred horses. This provision was enacted in another bill. (See VETO MESSAGE)

SJM 113

By Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

Senate Committee on Governmental Operations

House Committee on Trade & Economic Development

BACKGROUND:

The Small Business Administration (SBA) has undergone severe budget reductions between fiscal years 1981 and 1984.

SUMMARY:

Congress is petitioned to maintain the Small Business Administration at its 1984 fiscal level and to continue the SBA as an independent agency.

VOTES ON FINAL PASSAGE:

Senate	39	4
House	78	19

SJM 126

By Senators Bender, Rasmussen, Moore, McDermott, DeJarnatt, Warnke and Garrett

Petitioning Congress to prevent reductions in benefits to disabled veterans.

Senate Committee on Governmental Operation

House Committee on Social & Health Services

BACKGROUND:

As part of reductions in national domestic expenditures, veterans' benefits have been subjected to a freeze on customary cost-of-living increases.

SUMMARY:

Congress is requested to take immediate action to prevent any reduction in the benefits to veterans.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	97	0

SSJM 132

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Owen, Newhouse, Deccio, Zimmerman, Bauer, Barr and Rasmussen)

Urging Congress to take necessary steps toward a full accounting of United States service personnel missing in Southeast Asia.

Senate Committee on Commerce & Labor

House Committee on State Government

BACKGROUND:

At the present time, 2,441 American service men and civilians are still missing and unaccounted for in Southeast Asia. Reliable intelligence data indicates that the Socialist Republic of Vietnam is withholding information concerning missing American personnel.

In order to gain a comprehensive account of missing U.S. personnel, it is necessary to gain the full cooperation of Southeast Asian authorities. The governments of the Socialist Republic of Vietnam and the Lao Peoples Democratic Republic indicate a willingness to provide information on missing Americans in return for improved relations with the United States.

SUMMARY:

The Senate and the House of Representatives of the State of Washington respectfully request that the Congress of the United States seek all reasonable means of pursuing information concerning live Americans in Southeast Asia; provide information or return

the remains of missing Americans; and, as necessary, improve relations with the government of that region.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

SJM 133

By Senators Bottiger, Moore, Granlund and Metcalf

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

Senate Committee on Natural Resources

House Committee on Trade & Economic Development

BACKGROUND:

Remote sensing of oceanographic conditions from satellites is a promising new technology that may advance the knowledge of marine conditions and improve yields of living marine resources.

SUMMARY:

A memorial is sent to the President and to Congress urging establishment of a satellite remote sensing receiving station in Hawaii. Funding is requested for an oceanographic color display for the receiving station and for distribution to fishermen.

VOTES ON FINAL PASSAGE:

Senate	41	0
House	55	41

SSJM 135

By Committee on Commerce & Labor (originally sponsored by Senators Bottiger, Warnke, Goltz, Vognild and Lee)

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

International trade and tourism is a vital part of the state's economy. Two-way trade in 1984 was in excess of $33 billion. It is estimated that over 350,000 jobs in the state are related to international trade. A total of 1,830,000 individuals from foreign nations visited Washington in 1984 and expended an estimated $217 million. The number of custom inspectors has a major impact on the efficient movement of people and goods and the need for timely and effective customs inspections will be even more evident during Vancouver B.C.'s Expo 86.

In 1985, the National Conference of State Legislatures and its subcommittee on Pacific states maritime issues adopted a resolution opposing the proposed division of the West Coast customs district. In addition, the Washington Legislature adopted SJM 128 in 1985 requesting an increase in the number of customs inspectors on the West Coast. Congressional legislation that would have provided 200 additional customs inspectors on the West Coast was vetoed in 1985.

SUMMARY:

The Legislature requests that Congress enact legislation to provide additional customs inspectors on the West Coast.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	72	24

SJM 136

By Senators Conner, Peterson, Goltz, Hansen, Garrett and Rasmussen

Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

Veterans throughout the Pacific Northwest are currently served by the Willamette National Cemetery near Portland, Oregon. The Willamette National Cemetery is not only a great distance from the State of Washington's 600,000 veterans, but will be filled in the very near future.

SUMMARY:

The Washington State congressional delegation is petitioned to assist in obtaining a national veterans' cemetery within the State of Washington.

VOTES ON FINAL PASSAGE:

Senate	42	1
House	96	0

SJM 143

By Senator Williams

Petitioning for a regional approach to regulation of the transportation of radioactive materials.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

From today through 1992, up to one-half of the low-level waste nationally is destined for disposal in Washington. Washington and other Northwest states are presently reviewing and revising transportation regulations to assure safe passage of radioactive materials. A regional compact to establish uniform procedures, laws and regulations on transportation of radioactive material is under consideration.

SUMMARY:

Congress is asked to provide funds and to direct the Department of Energy to provide technical assistance for Northwest states to develop uniform procedure, laws and regulations for the transportation of radioactive materials.

VOTES ON FINAL PASSAGE:

Senate	41	2
House	97	0

SJR 136

By Senators Talmadge and Metcalf

Revising the membership of the judicial qualifications commission.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In the 1980 general election, voters approved HJR 37 (now Article IV, section 31 of the state Constitution) which established a new procedure for the discipline and involuntary retirement of state court judges. The central feature of the amendment was the creation of a Judicial Qualifications Commission to process complaints against judges and to make recommendations to the Supreme Court for discipline or involuntary retirement. A judge may be disciplined for censure, suspended, or removed from office for violating a rule of judicial conduct, or retired for a disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties.

In 1981 the Legislature, in response to HJR 37, statutorily provided for the Commissioners' terms of office, compensation, powers, and jurisdiction.

As provided for in HJR 37, the Commission has seven members, two of which are nonlawyers.

SUMMARY:

Article IV, Section 31 of the State Constitution is amended in a number of ways. The name of the Judicial Qualifications Commission is changed to the Commission on Judicial Conduct. The membership of the Commission is expanded to nine, with four of the members being nonlawyers.

When the Commission receives a complaint against a judge, it shall conduct confidential preliminary proceedings to determine if further action is appropriate. Any subsequent hearings held by the Commission are to be open to the public.

If the Commission recommends removal of the judge, the judge is to be suspended immediately from his or her position with salary until a final determination is made by the Supreme Court.

SJR 136

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	97	0	(House amended)
Senate	40	1	(Senate concurred)

SSJR 138

By Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedure for filling vacancies in elective office.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The Washington Constitution (Article II, Section 15) provides that vacancies occurring in county partisan elective office and in state legislative office are to be filled by the board of county commissioners of the county in which the vacancy occurs. In multi-county state legislative districts, vacancies are filled by joint action of the boards of county commissioners within the district. "Board of county commissioners" has been interpreted to also include the county councils of home-rule charter counties.

In both county partisan elective office vacancies and state legislative office vacancies, the board of commissioners or county council must appoint one of three persons nominated by the county or state party central committee of the political party of the person who vacated the office. The county party central committee selects the nominees to fill both county partisan elective office vacancies and state legislative vacancies consisting of a district within a single county. The state party central committee selects the nominees to fill vacancies occurring in multi-county state legislative districts.

If an appointee is not selected by the board of county commissioners or county council within 60 days of the occurrence of a vacancy, the vacancy is filled by the Governor. The Governor has 30 days to select an appointee from the three nominees submitted by the party.

An appointee holds office until a successor is elected at the next general election.

Recent vacancies occurring in state legislative districts raise issues that are not addressed in the Constitution:

(1) Is a member of the board of county commissioners or county council charged with filling a vacancy eligible to be appointed to fill the vacancy?

(2) In multi-county vacancy deliberations, may a home-rule charter county with more than three councilpersons cast more votes than a three-member board of county commissioners?

(3) Should the collective votes of each county legislative authority be weighted equally within a multi-county district, regardless of each county's population within the district?

It has been suggested that Article II, Section 15 of the Constitution of the State of Washington be amended to address these and other issues.

SUMMARY:

Article II, Section 15 of the Washington Constitution is amended as follows:

The provisions are made applicable to nonpartisan county elective offices, as well as partisan county elective offices.

A member of a county legislative authority (board of commissioners or county council) who seeks to be appointed to fill a state legislative or county elective office vacancy is disqualified from voting in an action to fill the vacancy.

A procedure is established to ensure proportional voting when the legislative authorities of counties within multi-county legislative districts meet to select an appointee to fill a vacant state legislative office. The individual vote of each county legislative authority member would collectively amount to the percent, rounded to the nearest whole number, that the population of the county within the legislative district bears to the population of the entire district. Voting percentages would be based upon population figures from the most recent federal census, excluding nonresident military personnel. The person receiving a majority percentage of the votes would be appointed to fill the vacancy.

If the majority of the positions of a county legislative authority are vacant, the Governor is to appoint the number of persons necessary to establish a majority of filled positions.

The time limits for the vacancy-filling process are to be prescribed in statute. This includes the number of days after the occurrence of the vacancy for:

(1) The submission of party nominees to the individual or jointly-meeting county legislative authorities, or to the Governor, should he or she be required to make appointments to a county legislative authority to create a majority of filled positions;

(2) The selection of an appointee by the individual or jointly-meeting county legislative authorities;

(3) The selection of an appointee by the Governor, should the individual or jointly-meeting county legislative authorities fail to agree upon an appointee within their time limit; and

(4) The selection of an appointee or appointees by the Governor, should he or she be required to make appointments to a county legislative authority to create a majority of filled positions. (Each time limit is set forth in SSB 4639, the implementing bill for SSJR 138. SSB 4639 is null and void if SSJR 138 is not ratified.)

If a list of party nominees is not timely received, the appointing authority may appoint any qualified person to fill the vacancy.

An appointee holds office until the next state general election as specified by statute.

VOTES ON FINAL PASSAGE:

Senate	41	3	
House	77	19	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	89	9
Senate	41	4

SSCR 126

By Committee on Ways & Means (originally sponsored by Senators McDermott, Fleming, Rinehart and Lee)

Ratifying comparable worth agreement.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Washington state's involvement with comparable worth (also called "pay equity") began in 1973 when Governor Evans instructed the heads of the Department of Personnel and Higher Education Personnel Board to study the salaries of jobs with comparable levels of skill and responsibility held predominantly by men and women. After a preliminary report did find discrepancies, a consulting firm, Willis and Associates, was hired to do a more in depth study. The resulting study, plus another one in 1976, resulted in an appropriation of $7 million to implement comparable worth in Governor Evans' proposed 1977-79 budget. Newly elected Governor Ray withdrew these funds; the 1977 Legislature passed SSB 2383 requiring biennial reports which show the cost to the state for providing similar salaries for different classifications with similar responsibilities, skills, and working conditions.

In 1981, AFSCME filed a complaint with the U.S. Equal Employment Opportunity Commission charging the State of Washington with sex discrimination. The EEOC chose not to investigate this complaint and in 1982 gave AFSCME the right to sue, which it did, and the trial was set for August, 1983.

In the 1983 session, SB 3248 was passed (RCW 28B-.16.116 and RCW 41.06.155); it required that salary changes necessary to achieve comparable worth be fully achieved not later than June 30, 1993 and that appropriations to meet this goal be contained within each succeeding biennial budgets.

Judge Tanner ruled in the AFSCME suit that the state had practiced intentional and pervasive discrimination, based on its failure to implement its comparable worth study in a timely fashion. He awarded retroactive pay to September 1979, interest on retroactive pay, retroactive pension contributions, and immediate salary adjustments bringing female dominated jobs to the male rate. The ruling was appealed by both parties to the Ninth Circuit Court of Appeals, which heard the arguments in April 1985.

In this context, section 702 of the 1985-87 biennial budget (Second Substitute 3656) provided approximately $41 million to begin implementing comparable worth, provided that an agreement between representatives of the Governor and AFSCME could be reached by January 1, 1986. Part of the settlement had to include the complete discharge of all claims against the state.

In September, 1985, the Appeals Court totally overturned the Tanner decision, and AFSCME petitioned for a rehearing. That petition is pending.

SSCR 126

SUMMARY:

This Concurrent Resolution provides legislative ratification (as required by Second Substitute Senate Bill 3656) of the agreement reached between the Governor's and AFSCME representatives. The agreement itself provides a method for appropriating $45 million in the 1985–87 biennium for comparable worth salary adjustments. All those who are more than 17.5 percent below their comparable worth salary are brought to 15 percent below. All other workers below the comparable worth line are given a 2.5 percent raise. The agreement has these salary changes take effect April 1, 1986. It provides a plan for adding $10 million a year starting as of July 1, 1988, to the salaries of those who remain more than 5 percent below their comparable worth salary. As a result, full comparable worth, defined as all job classes receiving salaries within 5 percent of their comparable worth line, will be implemented on July 1, 1992. These salary adjustments satisfy RCW 28B.16.116 and RCW 41.06.155. The union is required to petition the court to dismiss with prejudice the pending suit. The union must refrain from suing during the course of this contract (which runs until June 30, 1993).

VOTES ON FINAL PASSAGE:

Senate	30	18	
House	55	43	(House amended)
Senate	30	16	(Senate concurred)

VETO MESSAGES

Fireworks display behind the United States Pavilion, Expo '74, Spokane.

(Courtesy Cheney Cowles Memorial Museum, Spokane.)

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BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute House Bill No. 495, entitled:

"AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to Chapter 37.12 RCW."

This bill authorizes a procedure for the state to retrocede (return) partial criminal jurisdiction to the United States over the Colville Indian reservation. The primary purpose of this bill is to make possible the Colville Tribe's application for federal funds for law enforcement functions. Currently, sixteen other tribal reservations in Washington State are already under a partial state jurisdiction similar to what this bill will allow. However, section 5 requires the Colville tribe to express their desire for retrocession by a majority vote of its enrolled adult members during the next general tribal election. Through their legitimate, elected governing body, the Colville Business Council, the tribal members have already expressed their official support for retrocession. The elected Boards of Commissioners from both Ferry and Okanogan Counties have also officially endorsed retrocession. The strong tribal and local expressions of support for retrocession make the tribal election vote called for in Section 5 unnecessary and I have vetoed this section.

With the exception of section 5, Substitute House Bill No. 495 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2 and 3, Substitute House Bill No. 573, entitled:

"AN ACT Relating to claims arising from improvements upon real property."

Sections 1, 2 and 3 are identical to sections 701, 702 and 703 of Substitute Senate Bill No. 4630. Since I am signing Substitute Senate Bill No. 4630, sections 1, 2 and 3 of this bill are duplicative.

With the exception of sections 1, 2 and 3, Substitute House Bill No. 573 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to section 7, Substitute House Bill No. 588, entitled:

"AN ACT Relating to setting retirement system contribution rates."

Section 7 suspends the reclamation of pension benefits paid to a retiree who is still employed by the state. This section is nearly, but not exactly, identical to section 8 of Engrossed Substitute Senate Bill 3182. To avoid confusion in the law, I have vetoed section 7 of this bill.

With the exception of section 7, Substitute House Bill No. 588 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4(9), Substitute House Bill No. 1134, entitled:

"AN ACT Relating to the Department of Social and Health Services."

Section 4(9) of this bill would permit Department of Social and Health Services employees injured by assault to receive retirement credit for their period of disability. Similar provisions are also contained in section 2 of Engrossed House Bill No. 1652. To avoid conflict between the two provisions, I have vetoed section 4(9).

With the exception of section 4(9), Substitute House Bill No. 1134 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 3, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10(1) and (2) of Engrossed Substitute House Bill No. 1333, entitled:

"AN ACT Relating to the deferring or deleting of the proposed termination and repeal of agencies and programs."

Sections 10(1) and (2) would repeal the requirement that the Cemetery Board be subject to sunset review by the Legislature in 1987.

The Cemetery Board is an anomaly with respect to its organizational placement in state government. It is an independent state agency, whereas nearly every other business and occupational regulatory board is placed within a larger agency for administrative purposes. It is also a very small agency, with only one full-time employee.

I recently proposed to the Legislature that the Cemetery Board and two other similar boards be transferred to the Department of Licensing for administrative support. This consolidation proposal would have aligned the Cemetery Board with related regulatory programs such as pre-need sales, real estate, securities, and embalmers and funeral directors. In addition, the Cemetery Board could have taken advantage of the administrative support services offered by full-time personnel in the Department of Licensing.

The sunset review process will afford an excellent opportunity to review the organizational placement of the Cemetery Board. I, therefore, do not believe that this opportunity to systematically review the operations and organizational placement of the Board should be repealed.

With the exception of sections 10(1) and (2), Engrossed Substitute House Bill No. 1333 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 1, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to four sections, Substitute House Bill No. 1355, entitled:

"AN ACT Relating to the Department of Agriculture."

I am vetoing sections 3 and 4 because they duplicate language contained in Substitute Senate Bill No. 4769, sections 1 and 2.

I am vetoing sections 5 and 6 because they duplicate language contained in Substitute Senate Bill No. 4425 sections 1 and 2.

With the exception of Sections 3, 4, 5 and 6, the remainder of Substitute House Bill No. 1355 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 2, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3 in part of Substitute House Bill No. 1400, entitled:

"AN ACT Relating to indeterminate sentencing."

This bill makes a number of changes relative to the Board of Prison Terms and Paroles, including its redesignation as the Indeterminate Sentencing Review Board. I am supportive of the bill.

However, one sentence in section 3 appears to be an anomaly and reads as follows: "However, the Governor may request nominations of qualified persons when filling vacancies in the Board after July 1, 1987." I have vetoed this sentence out of section 3 of the bill because its meaning is not clear. At the present time I do request nominations of qualified people when filling vacancies on the Board and the direction to start doing this after July 1, 1987, does not make sense. Leaving this sentence in the statute could only lead to confusing interpretations if someone were to question the meaning of this section.

With the exception of section 3 in part, Substitute House Bill No. 1400 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Substitute House Bill No. 1458, entitled:

"AN ACT Relating to local boards of health and the department of social and health services enforcing laws relating to public water supply systems."

Section 6 of this bill would significantly expand the authority of administrative law judges, turning them into a new arm of the judiciary. These judges now have the authority to issue a proposed decision. This section would give them authority to make a final decision which could be appealed only to the courts.

This new authority is not necessary or justified. Section 6 would also create a new appeals process outside the provisions of the state's Administrative Procedure Act. The Administrative Procedure Act has made agency actions more uniform and this uniformity is more understandable to the state's citizens. For these reasons, I have vetoed section 6.

With the exception of section 6, Substitute House Bill No. 1458 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to portions of section 4, Engrossed Substitute House Bill No. 1587, entitled:

"AN ACT Relating to port district sponsored trade expansion projects."

In passing the federal Export Trading Company Act of 1982, Congress recognized that "ETCs will periodically have to engage in importing, barter, third party trade, and related activities." [See: Conference Report to accompany S. 734, Rept. No. 97-924, 97th Cong, 2nd Session (1982).]

Given this recognition of Export Trading Company functioning, the section 4(7) prohibition on importation of goods or products for in-state sale in competition with Washington grown, mined or produced products could prove to be economically crippling to the newly-created companies and could violate the purposes of the federal act, even though an import activity was incidental to an export trading company's principal exporting objectives and activity.

In addition, this section may violate federal trade treaties to which the United States is a signatory, such as the General Agreement on Trade and Tariffs. The section furthermore may be unconstitutional as it delegates legislative power to state agencies without sufficently specific legislative standards.

The section would also be costly and difficult to implement for the following reasons:

1) In order to identify goods that compete with Washington products, the agencies named must identify all goods currently grown, produced or mined in Washington. This is a potentially overwhelming task.

2) The departments must be knowledgeable of all goods imported into the state under this section. Currently, no state system exists for collection and evaluation of this information.

To the Honorable, the House of
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April 3, 1986
Page 2

3) The departments would have to make evaluations about competitiveness of all goods imported versus all goods currently grown, produced or mined in Washington. I do not believe these judgments are practical or appropriate for state agencies to make, given the lack of information and specific statutory direction as to what would be competition and how great the protection would be. The potential for conflict and disagreement would be high.

Clearly, the legislation's specific intent is to increase exports of Washington products and enhance export trade -- it is not the purpose of the new law to create outside competition for Washington State businesses.

I commend the Legislature for its wisdom and leadership in enacting legislation to allow ports to take advantage of the Export Trading Company Act; such ventures have been successful in other regions of the country.

Section 4(1)(b) would authorize port districts to enter into contracts, joint ventures, brokerage or other agreements. This provision is redundant and would cause confusion in the interpretation of the provision. Section 3(1) of Engrossed Substitute House Bill No. 1587 provides the authority for port districts to establish export trading companies and to enter into contracts with other public and private organizations for the provision of services. Section 4(1)(b) of Engrossed Substitute House Bill No. 1587 restates the same authority.

With the exception of sections 4(1)(b) and 4(7), Engrossed Substitute House Bill No. 1587 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 4, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA
98504-0413

To the Honorable, the House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3(7)(c), Engrossed Substitute House Bill No. 1598, entitled:

"AN ACT Relating to sexual offenders."

Section 3(7)(c) provides for post-prison community supervision for sex offenders if their crimes are committed after July 1, 1986, and their term of incarceration is at least one year. Violation of the terms of supervision would result in confinement to the county jail at state expense.

The determinate sentencing law, passed by the Legislature in 1981, was a clear departure from the system of indeterminate sentencing and long-term parole or post-release supervision. It is important for that process to be more fully implemented so that the criminal justice system can stabilize prior to such a significant and costly change in direction as would be provided for in section 3(7)(c).

I do not believe that a limited amount of supervision for sexual offenders is sufficient to ensure public safety, particularly when it may provide a rationale for shorter sentences or early release from prison. In addition, there are no studies that have shown supervision to be an effective deterrent to reoffenses.

However, a short period of supervised transition for all offenders as they re-enter the community from prison was indicated in the original determinate sentencing bill and may be an issue worth revisiting. As this section would not have taken effect until July 1, 1987, it is appropriate that this issue is reviewed in the next budget cycle. However, there are a number of issues in the correctional area that also merit review, such as job training conducted in the institutions and alcohol and drug treatment. I have therefore vetoed section 3(7)(c) of Engrossed Substitute House Bill No. 1598.

With the exception of section 3(7)(c), Engrossed Substitute House Bill No. 1598 is approved.

Sincerely,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 2, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5 and 13, Engrossed House Bill No. 1630, entitled:

"AN ACT Relating to health care service contractors."

Sections 5 and 13 of this bill conflict with amendments to RCW 48.44.145 contained in Engrossed Senate Bill No. 3636. The amendments in Engrossed Senate Bill No. 3636 are part of a new method of funding the Office of the Insurance Commissioner and are thus the appropriate amendments to RCW 48.44.145.

With the exception of sections 5 and 13, Engrossed House Bill 1630 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 4, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA
98504-0413

To the Honorable, the House
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, 6, and 7 of House Bill No. 1633, entitled:

"AN ACT Relating to taxation of timber harvested by public entities."

These sections of House Bill No. 1633 would give Christmas tree growers the tax status of farmers. Specifically, it would exempt Christmas tree plantations from the timber tax and exempt them from sales tax on seedlings, fertilizer, and other spray materials used in producing Christmas trees, as well as exempting them from the B & O tax.

In vetoing these sections, it is important to recognize that Washington already has a tax designed especially for the business of growing trees. Christmas trees are not food, and they are not used to build housing; they are luxury consumption items priced so that anyone can afford them.

The proponents of this measure argue that their tax status is a detriment to their competitive position in the interstate market, a market in which transportation costs are a dominant factor. While I believe that it is important for Washington to reexamine its tax structure in order to mitigate barriers to business development and to enhance the interstate and international competitiveness of our industries, I do not believe that tax policies are effective in offsetting primary business factors such as transportation costs. In addition, the competitive market for Christmas trees is not comparable to the "price taker" market faced by producers of agricultural products, in which suppliers of perishable products have greater difficulty in passing on any portion of their tax burden. Furthermore, I do not believe it is appropriate to extend a preferential tax status designed for producers of food to the producers of non-food luxuries simply for the purpose of improving a competitive market position, especially when this measure shows no promise of producing additional jobs for Washington.

With the exception of sections 4 through 7, House Bill No. 1633 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, House Bill No. 1647, entitled:

"AN ACT Relating to the sunset termination and repeal of the public disclosure commission, of the powers and duties of the commission, and of the programs administered or enforced by the commission."

Section 3 of this bill would have restricted registered lobbyists from serving as executive state officers as that term is defined by RCW 42.17.2401 in the Public Disclosure Act. I do not believe that there has been a demonstrated need for this legislation or that the far-reaching effects have been recognized. Leaving this provision in the legislation would exclude persons who are appointed to any of the many boards or commissions of this state. Most of these positions are part-time and only minimally compensated by expense reimbursement. In this regard, section 3 would unfairly restrict the activities of those who serve on the state's boards of regents, boards of trustees and the numerous other boards and commissions.

With the exception of section 3, House Bill No. 1647 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 3, 1986

STATE OF WASHINGTON
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OLYMPIA
98504-0413

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of Substitute House Bill No. 1678, entitled:

"AN ACT Relating to telephone solicitations."

The last sentence of Substitute House Bill No. 1678 section 2(5), page 3, lines one and two, which requires the Attorney General to take action on second and subsequent violations by a company, conflicts with the first sentence of the same subsection which is permissive.

The legislation sets forth a scheme for controlling telephone solicitations. It sets standards for commercial telephone solicitations and allows consumers to remove their names from lists used to make these telephone calls.

Section 2(5) of the legislation deals with enforcement and is intended to give the Attorney General the discretion needed to enforce violations of the law. However, the last sentence of section 2(5) conflicts with that intent by requiring the Attorney General to take action on second and subsequent violations. I believe this unnecessarily limits the Attorney General's ability to determine the proper cause of action under the bill.

With the exception of the last sentence of section 2(5), Substitute House Bill No. 1678 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 4, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1687, entitled:

"AN ACT Relating to private vocational schools."

Section 23 of this bill would create an advisory committee whose members serve as advisors in implementing this bill and for other liaison purposes as the Commission for Vocational Education determines. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 bodies. While many of these existing entities were created to serve useful purposes, the needs of the state change over time. Since these entities are specified in statute, they often persist beyond their period of usefulness. Statutory entities lack the flexibility to adapt to changing conditions since an entity designed to serve one purpose cannot change to meet new or different needs without legislative approval.

I have also found that it is difficult to abolish statutory entities that have outlived their usefulness. State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute. For these reasons, I have vetoed section 23.

A veto of the entire bill was considered because I have strong reservations about the assignment of this legislation to the Commission for Vocational Education. Additional duties should not be given to an agency that will begin the sunset process on June 30, 1986. My approval of this bill should not give the impression that I favor strengthening or expanding the duties of the Commission for Vocational Education. However, students attending proprietary schools need the protections and safeguards provided in the bill.

With the exception of section 23, Engrossed Substitute House Bill No. 1687 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Substitute House Bill No. 1709, entitled:

"AN ACT Relating to consolidation of agencies into the department of community development."

This bill would consolidate the Office of Archaeology and Historic Preservation, the Department of Emergency Management, and the Fire Protection Board into the Department of Community Development. The original bill was introduced at my request in order to consolidate programs that deal with local government officials. I also encouraged this bill in order to reduce the number of executive agencies and to achieve better efficiencies by centralized support services. However, a number of partial vetoes are necessary to perfect the measure.

Sections 46 and 47 of Substitute House Bill No. 1709 would amend the Sunset Act provisions affecting the Office of Archaeology and Historic Preservation. Since I intend to sign the portion of Substitute House Bill 1333 that will repeal the same statute, I have vetoed sections 46 and 47 of Substitute House Bill 1709 to avoid a double amendment situation.

I have also vetoed portions of section 55 that would have put several officials on the State Fire Protection Policy Board as nonvoting ex-officio members. These members included the Governor, the Commissioner of Public Lands, the Insurance Commissioner, the Chair of the Commission for Vocational Education and the Director of Fire Protection. The latter official will, in fact, serve as the primary staff person for the Board, so it is inappropriate that he/she serve as a voting member. I believe the other officials will monitor the Board's activities with appropriate staff. Also, having the officials on the Board as ex-officio members makes the Board unnecessarily large.

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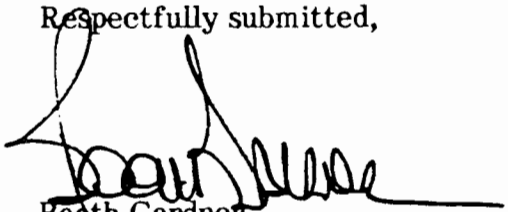
April 3, 1986
Page 2

Finally, I have vetoed section 140 so that the transfer of the Office of Archaeology and Historic Preservation and the Department of Emergency Management to the Department of Community Development can take place in June 1986 rather than in January 1987. The departments indicate the change can be accomplished earlier and the delay is not necessary.

For these reasons, I have vetoed sections 46, 47, 55 in part, and 140. With the exception of these vetoes, Substitute House Bill No. 1709 has been approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
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98504-0413

March 22, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision, Substitute House Bill No. 1754, entitled:

"AN ACT Relating to economic development."

I strongly support this bill's intent to strengthen the State's commitment to stimulating employment and job-creating private investment, particularly in economically distressed areas, as well as to encourage companies that receive State economic development assistance to hire job applicants from among the unemployed and welfare recipients.

This bill makes certain needed changes in existing legislation which provides for the deferral of sales tax on eligible investments in manufacturing facilities and equipment. The majority of these changes are reasonable and are supported by our experience to date with these programs.

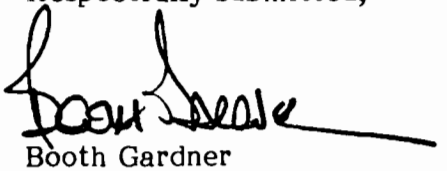
However, I am vetoing that portion of Section 9(4) that would limit the sales tax deferral granted to firms making eligible investments in the state for the first time to a total amount not exceeding $300,000 per new full-time employment position created. This proposed limitation is not a part of the existing sales tax deferral statute for eligible first-time investments by manufacturing and research and development firms. Although I believe that creating new jobs is one important policy objective for the State's sales tax deferral programs, I am concerned, that enactment of this particular limitation would conflict with another important program objective—namely, to enhance the Washington's competitiveness with other states in attracting certain industries for which this state possesses distinct strategic advantages. Washington is one of the few states that taxes capital expenditures and thereby significantly increases entry costs here compared to other states with whom this State competes for new investment.

To the Honorable, the House
of Representatives of the
State of Washington
March 22, 1986
Page Two

Our experience with the program thus far has demonstrated that the limitation proposed in this bill would significantly reduce the number of industries that Washington could pursue to strategically diversify and expand our economic base. In particular, this limitation would make it more difficult to attract the more capital intensive, higher value-added, industries that tend to provide higher wage employment. Industries of this type are critical to raising Washington incomes and stimulating spin-off employment and grown in new industries.

Therefore, with the exception of that portion of Section 9(4) which I have vetoed, Substitute House Bill No. 1754 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

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98504-0413

April 4, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to certain portions, Substitute House Bill No. 1950, entitled:

"AN ACT Relating to medical malpractice."

The last sentence of section 2 would require Assistant Attorneys General assigned to the Medical Disciplinary Board to be subject to Board approval and to work under the Board's control. Section 3 would require investigators to be assigned solely to the Board and to be subject to the Board's approval. Both provisions are being vetoed.

Designation and supervision of full-time staff is not the duty of a part-time board. It is better performed by the staff of the administrative agency, in this case the Department of Licensing. If staffing problems arise, the Board should be able to work them out with the support agency, as a number of other boards presently do. One of the benefits of having a part-time board staffed by a larger administrative agency is that the agency can adjust workloads and tasks so that employees are efficiently utilized. To assign attorneys and investigators to only one board could result in inefficiencies and would prevent pooling of valuable personnel resources.

For these reasons I have vetoed the last sentence of section 2 and all of section 3. The remainder of the bill is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1972, entitled:

"AN ACT Relating to self-insurance."

Groups of local governments are presently authorized to pool for self-insurance, or purchase insurance, for liability coverage. Section 1 of Substitute House Bill No. 1972 extends that authority to include property replacement insurance, which I strongly support.

Property insurance lines are stable and profitable. Inclusion of property coverage as a part of local government pools should help them to attract commercial insurance packages that include the more volatile liability insurance coverages as well. The state's insurance code provides for the effective regulation of local government insurance pools by the Office of the Insurance Commissioner.

However, section 2 of Substitute House Bill No. 1972 seeks to exempt from the state insurance code both "fraternal benefit societies" that organize to self-insure against property and liability claims, as well as "cooperatives" which organize to self-insure against officer and director liability claims. I strongly oppose these two proposed exemptions. Unlike the local government insurance pools referenced in section 1 of the bill, the proposed exemption of "fraternal benefit societies" and "cooperatives" would effectively authorize a class of self-insurers operating totally outside the purview of the insurance code. The insurance code contains safeguards such as requirements for capital reserves, reinsurance and guaranty association protection. These safeguards protect both the self-insurer and those members of the general public who deal with the self-insurer. Exempting groups from these requirements is unwarranted.

To the Honorable, the House of
Representatives of the
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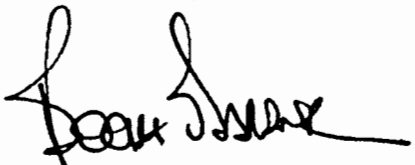
Page 2

In contrast to the approach proposed in section 2 of Substitute House Bill No. 1972, the state insurance code already provides the means by which such groups may form conventional insurance organizations with the appropriate financial and procedural safeguards.

With the exception of section 2, Substitute House Bill No. 1972 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

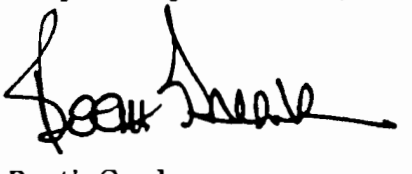
I am returning herewith, without my approval as to section 11(3), Engrossed Substitute House Bill No. 2021, entitled:

"AN ACT Relating to managed health care."

Section 11 of this bill permits the Director of Financial Management to establish within the Office of Financial Management a health care cost containment program. The section also authorizes the Director to take other actions to control the cost of health care purchased by state agencies. I support wholeheartedly this effort to control costs. The bill, however, does not provide any funds for the creation of the cost containment program. Most of section 11 is permissive, giving the Director of Financial Management the flexibility necessary to undertake those aspects of the program that can be accomplished without funding. Subsection (3), however, is a mandatory reporting requirement that involves significant amounts of staff time and other resources, which are not available. For this reason, I have vetoed section 11(3).

With the exception of section 11(3), Engrossed Substitute House Bill No. 2021 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to business and occupation taxation."

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

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9(b), Reengrossed Substitute Senate Bill No. 3182, entitled:

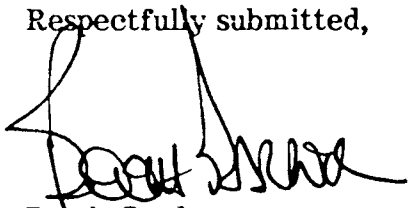
"AN ACT Relating to retirement from public service."

Section 9(b) appropriates $2,800,000 for contribution to the pension trust fund for this biennium. The fiscal impact for the remaining provisions of this measure is $1,200,000 and therefore the appropriated amount is excessive.

The Department of Retirement Systems, in consultation with the Office of the State Actuary, will revise the employer contribution rate for the Public Employees and Teachers Systems so as to assure the appropriate cost of this legislation is collected by the system during this biennium.

With the exception of section 9(b), Reengrossed Substitute Senate Bill No. 3182 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(6), Senate Bill No. 3397, entitled:

"AN ACT Relating to game and game fish."

Section 1(6) of this bill would direct to the Game Fund, rather than to the Public Safety and Education fund, reimbursements to the state for the value of game animals taken illegally.

These reimbursements were directed to the Public Safety and Education Fund by the 1984 Court Reform Act, which did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change contemplated by this subsection would be a step backward toward the old system. Moreover, the change is unnecessary because the Game Department receives appropriations from the Public Safety and Education Fund.

For this reason, I have vetoed section 1(6) of Senate Bill No. 3397.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487, entitled:

"AN ACT Relating to energy consumption in state agencies."

I have vetoed the amendatory language "and the total cost to accomplish those measures which are not included" from the last sentence in section 2(3). This language would require explanatory information regarding items not included in the biennial budget request. Such a provision would be contrary to traditional budgetary practice.

I have also vetoed 3(1), (2) and (4) which would require the Office of Financial Management to develop guidelines for budgeting and implementation of state agency energy conservation initiatives. It would be inappropriate for the Office of Financial Management to be involved in such detailed operational matters. Agency management must be allowed to prioritize among competing state goals if they are to be held accountable for achieving the desired results. Notwithstanding these vetoed provisions, I will direct the Office of Financial Management to develop budget guidelines for energy related items.

With the exception of section 2(3) and section 3(1),(2) and (4), Second Substitute Senate Bill No. 3487 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Senate Bill No. 3636, entitled:

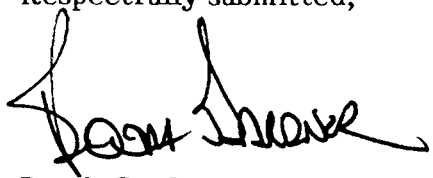
"AN ACT Relating to insurance."

This legislation accomplishes two things: it equalizes the premium tax rates between domestic and foreign insurers, and it provides a mechanism so that the Office of the Insurance Commissioner is funded by fees collected from the entities regulated by the Commissioner.

Section 6 states the purpose for imposing the fees is to "increase and improve the staff of the insurance commissioner." While it is certainly a top priority to ensure that the Commissioner has increased staff to properly regulate insurance companies in this time of increasing rates, the move to self-fund the office was not solely for the purposes stated in section 6. The funds provided by the fees imposed on commercial insurers, health care service contractors and health maintenance organizations will be the sole basis of funding the existing staff as well as any new staff authorized by the Legislature. For this reason, I have vetoed section 6 of Engrossed Senate Bill No. 3636.

With the exception of section 6, Engrossed Senate Bill No. 3636 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 4, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2 in part of Re-engrossed Substitute Senate Bill No. 4305, entitled:

"AN ACT Relating to bail bonds."

This bill makes a number of changes relating to the legal processes for providing bail and appearance bonds.

Section 1 of this bill would relieve sureties of the responsibility of insuring the appearance of bonded defendants through the entire court hearing process by releasing the sureties' liability at conviction. Sureties would no longer remain liable until the sentencing hearing. This section reverses an effective long-standing policy. This section would also require that the defendant obtain a new bond for the period of time between conviction and sentencing with a resultant additional costs. If the defendant did not or could not get a new bond, the county would have to house the defendant in jail. These changes are undesirable from the standpoint of both the defendant and the county. Currently, the sureties can protect their interests by advising the court that a defendant will flee if found guilty and the bond should not be extended.

In section 2, I am vetoing the change proposed in the first sentence. The portion of section 2 that I am vetoing is the statement "or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court of its own motion." This change would allow a court to reduce the size of the forfeiture that must be made when the defendant fails to appear at court. Reducing the face value of the bond when the defendant fails to appear could undermine the incentive to bring defendants to justice, thereby weakening the criminal justice process.

For these reasons I have vetoed sections 1 and 2 in part of Re-engrossed Substitute Senate Bill No. 4305.

With the exception of the vetoed sections, Re-engrossed Substitute Senate Bill No. 4305 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(2), Substitute Senate Bill No. 4418, entitled:

"AN ACT Relating to irrigation."

Substitute Senate Bill No. 4418 is an important piece of legislation that maintains the state's strong commitment to the timely completion of the Yakima irrigation enhancement project. The work on the Yakima project should proceed as called for in the bill.

The legislation also restates the Department of Agriculture's legitimate role as an advocate of water resources projects needed to help meet future agricultural water needs, and seeks to preserve the state's option to participate in the second half of a feasible Columbia Basin irrigation project.

Section 2 requires the Department of Agriculture to establish a committee to study water supply availability in the Columbia Basin area and make a preliminary report to the Governor and Legislature by January 1, 1987, with the final report by January 1, 1988.

The primary objective of the study is to develop a formal process to enable the state to maintain its option to participate in a feasible Columbia Basin project.

The Federal Bureau of Reclamation is in the initial stages of preparing its required Environmental Impact Statement (EIS) on the second half of the Columbia Basin project. The draft EIS is scheduled to be available for review and comment in December 1986, and will require a state response. The study timetable called for in section 2(2) could place the state in the untenable position of having to respond to the EIS and indicate a preferred project alternative as much as one full year in advance of completion of its own study.

To the Honorable, the Senate
of the State of Washington
April 4, 1986
Page 2

Therefore, I am vetoing section 2(2) and asking the Director of the Department of Agriculture to develop a time schedule for activities, including dates for preliminary and final reports, and to inform the Legislature of the timetable. The timetable for the Columbia Basin water availability study should be consistent with the schedule for the Bureau of Reclamation's Environmental Impact Statement. That schedule calls for the draft EIS to be available for review in December 1986.

The committee specifically called for in section 2(1) would contain a number of key interest groups vital to the Columbia Basin project decision-making process. Other equally important interests--local government, recognized environmental organizations and Indian tribes--are absent. I am asking the Director of the Department of Agriculture to review the composition of the committee and to make certain that the entire range of interests and organizations necessary to make timely, objective decisions on appropriate participation in the Columbia Basin Project serve on the committee. The committee shall establish and maintain communications with the Governor and the Legislature.

A number of the issues identified for study in section 2(1) have already been at least partially addressed in past studies or ongoing assessments conducted by the state, the Bureau of Reclamation, the Bonneville Power Administration or the Northwest Power Planning Council. Section 2(1)(i) instructs the committee not to duplicate data being developed by the Bureau of Reclamation in its Environmental Impact Statement process. I am further directing the Department to ensure that the committee extends the mandate to avoid duplication, including duplication of previous or ongoing studies, to all elements of the study, not just those items enumerated in section 2(1)(i).

With the exception of section 2(2), Substitute Senate Bill 4418 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, The Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to local government."

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 4506, entitled:

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 1, Substitute Senate Bill No. 4525, entitled:

"AN ACT Relating to legal representation of the legislature."

The Attorney General presently represents all the branches of government in Washington State -- the Legislature, the Executive and the Judiciary. This bill would allow the Legislature, the House, the Senate, or any committee or entity which hires its own staff to retain counsel of their own choosing to represent them in judicial and administrative proceedings. This is a substantial policy change.

The portion of section 1 which I am vetoing results in limiting the authority to retain counsel to the House of Representatives and the Senate together. This allows the Legislature as an institution to retain counsel. Without this limitation, I believe this authority to hire counsel would be too broad.

With the exception of the language in section 1 granting the House, the Senate and the committees or entities of the Legislature which hire their own staff the authority to retain separately legal counsel, I am signing Substitute Senate Bill No. 4525.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to shoreline management."

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

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

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

With the exception of section 1(3)(e)(vii), Substitute Senate Bill No. 4572 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10 and a portion of section 6, Substitute Senate Bill 4590, entitled:

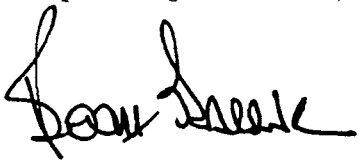
"AN ACT Relating to local government."

I fully support the intent of this legislation. It will provide local governments an additional opportunity to maximize the yield on their investments as well as provide the increased protection for public funds. However, language contained in section 10 would unduly restrict local governments' investment options. The repurchase agreement is a valuable cash management tool, the use of which should not be restricted without a corresponding benefit to local governments. The intent of section 10 would appear to be to require the delivery of securities to control of the local entity. However, failure to define the term "agent" renders this section meaningless and extraneous to the legislation. Therefore, I am vetoing section 10.

The last portion of section 6 after the word "Provided" is vetoed. This language conflicts with provisions of section 14 and would create confusion in the administration of the Act.

With the exception of a portion of section 6 and all of section 10, Substitute Senate Bill 4590 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to community health services."

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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GOVERNOR

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98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill 4620, entitled:

"AN ACT Relating to retail trading practices in the sale of motor vehicle fuels."

This legislation creates a separate franchise law that regulates the business relationship between motor fuel refiner-suppliers and motor fuel retailers.

The Legislature has devoted substantial time and effort to examining allegations that the major oil companies are employing predatory pricing and other unfair practices against the independent lessee-dealers to whom they supply gasoline and other products. These allegations are occurring during a period when the nature of retail gasoline marketing is undergoing significant changes. Preserving a market niche for independent lessee-dealers in this changing environment has been a major concern of the Legislature. Accordingly, Senate Resolution 1985-92 created a Select Committee to investigate these allegations and to submit its findings and recommendations to the Legislature. This legislation is largely a product of the Select Committee's work.

The Select Committee's findings are reflected in the major components of Engrossed Senate Bill No. 4620: (1) recognition and protection of lessee-dealers' franchise rights, (2) prohibitions against certain unfair trade practices and provision of legal remedies to address violations, (3) authorization for a study by the Attorney General to determine whether motor fuel refiner-suppliers are employing unfair price discrimination between their owner-operated retail outlets and their lessee-dealers in the wholesale price charged for fuel, and (4) prohibitions against motor fuel refiner-suppliers unfairly discriminating in the wholesale price of fuel charged to their motor-fuel retailers in the same five-mile marketing area.

To the Honorable, the Senate
of the State of Washington
April 4, 1986
Page 2

I have carefully considered all of these elements, and I support essentially all but those provisions relating to refiner-supplier price discrimination against lessee-dealers in the same marketing area, as contained in section 2 of the legislation. While I can appreciate this as a thoughtful attempt to establish a way to address alleged unfair pricing practices, I am not convinced that section 2 is a workable means for ensuring a competitive gasoline market that protects the lessee-dealers or benefits the consumers.

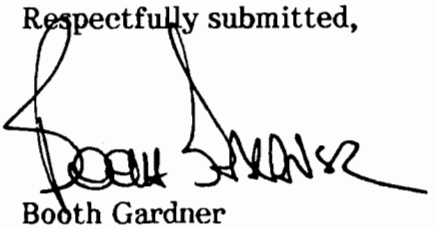
Therefore, I am vetoing section 2, as well as section 1(4) which defines the "marketing area" applicable to section 2, and a portion of section 1(7) that exempts certain "motor fuel refiner-suppliers" from the jurisdiction of this legislation.

In addition, since no administrative remedies are provided in this legislation, I am also vetoing section 16 which is an unneeded reference to the Administrative Procedure Act.

I will be awaiting the results of the Attorney General's investigation of alleged unfair wholesale price discrimination employed by refiner-suppliers between their owner-operated stations and their independent lessee-dealers. This effort is to be completed by December 1, 1986. The civil investigative demand powers of the Attorney General should be effective in evaluating these alleged practices, which were the genesis of the Legislature's concern but which they were unable to document. Until these results are available, the legislation as approved should provide substantial protection for the investments and franchise rights of lessee-dealers.

With the exception of sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill 4620 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
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OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626, entitled:

"AN ACT Relating to the housing trust fund; and adding a new chapter to Title 43 RCW."

Section 4 of the bill allocates funds from the Housing Trust Fund to the Department of Community Development to administer the act. Until a financing source is established, the act is merely a statement of intent without fiscal impact. I am vetoing this section because the allocation of funds is premature.

The advisory committee established in section 12 is no longer appropriate to the legislation as passed. The composition of the advisory committee should be based on the selection of the source of funding for the trust fund and the affected parties. Once the sources of funding are determined, an advisory committee representing those sources should be established.

While I am vetoing section 12, I will request the Director of the Department of Community Development to work with the appropriate committees of the Legislature in their efforts to evaluate emerging low-income housing needs and potential sources of revenue for the Housing Trust Fund.

With the exception of sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(8), Substitute Senate Bill No. 4627, entitled:

"AN ACT Relating to cigarette wholesalers and retailers."

I strongly agree with the intent of Substitute Senate Bill No. 4627 to "increase competition by reducing government's role in price setting" of cigarettes. I believe that increased market competition benefits the consumer.

I also agree that the Unfair Cigarette Below Cost Act, the current law which is amended by this bill, should not be terminated in June 1986. Rather, I favor a phase-out of state cigarette price regulation as proposed in Substitute Senate Bill No. 4627, allowing the market to adjust to free market practices over a five-year period. State regulation would then terminate completely in 1991. This approach is consistent with the Legislative Budget Committee's conclusion in its mandated study of the Unfair Cigarette Below Cost Act, "that Chapter 19.91 RCW be extended in its current form and then be automatically phased out over a five-year period."

However, I'm concerned over a potential problem created by the bill's inconsistent treatment of cigarette manufacturers' discounts. Section 2(8) of the bill deletes the provision in current law which specifically authorizes wholesalers to pass cigarette manufacturers' cash discounts through to the retailer. Deleting this express authority granted to wholesalers in section 2(8) of the current law appears to create an ambiguity with regard to section 2(10) which is retained in current law by this bill. Section 2(10) specifies how the retailer shall account to the Department of Revenue for discounts received from cigarette wholesalers. The Department of Revenue would probably be required to rule on this ambiguity with the potential for litigation to resolve the issue.

To the Honorable, the Senate
of the State of Washington
April 4, 1986
Page 2

As a policy matter, if wholesalers are not allowed to pass manufacturers' discounts to retailers, contrary to current law, the effect would be to increase the mandatory wholesale price of cigarettes. This situation would be entirely inconsistent with the intent of Substitute Senate Bill No. 4627, and the Legislative Budget Committee's recommendation, to deregulate state price controls.

In considering a veto of section 2(8), I recognize that the current law pertaining to the treatment of manufacturers' discounts does not have the same effect on all segments of the cigarette wholesaling industry. Nonetheless, the current law has been in effect since 1984, which has already provided a period for the industry to adjust to the discount provision. I believe that the interests of the consumer are best served by retaining the discount provisions of current law, and continuing the move towards market pricing for cigarettes. Therefore, I am vetoing section 2(8) of Substitute Senate Bill No. 4627, which restores the provisions of current law regarding manufacturers' discounts.

With the exception of section 2(8), Substitute Senate Bill No. 4627 has been approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to motor vehicle license plates."

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 4691, entitled:

"AN ACT Relating to the definition of child for industrial insurance purposes."

Section 2 of this bill would create a Chiropractic Advisory Committee to assist the Director of Labor and Industries. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 such bodies.

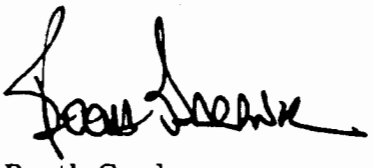
State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory boards in statute.

A Chiropractic Advisory Board to advise the Department of Labor and Industries already exists, created by the department by rule. The committee proposed in this legislation would expire on June 30, 1987; the existing committee can -- and probably should -- continue past that date. Furthermore, the existing committee can undertake the tasks specified in section 2 of this bill.

For these reasons, I have vetoed section 2.

With the exception of section 2, Senate Bill No. 4691 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Senate Bill No. 4705, entitled:

"AN ACT Relating to communications with minors for immoral purposes."

Minors should be protected from exposure to sexually explicit material. Unfortunately, the language used in section 1 of this measure is both broad and unclear, and poses serious problems for libraries. Library staff would have to begin policing minors who use their facilities, and this is not an appropriate role. Unfortunately, provisions which would have exempted libraries and their staff from having to enforce this provision were deleted from the bill.

Selection of books for public libraries has historically been the responsibility of local library boards; I am satisfied this system continues to provide adequate safeguards for communities. Additionally, there are materials used by professional counselors and caseworkers in working with sexually abused children which may be suspect under this section.

Also, the definition of "minor" in section 1 is changed to age eighteen, which puts it in conflict with RCW 9.68A.110 -- the defense section to RCW 9.68A.050 -- which still refers to the age of a minor as sixteen. This will create serious problems and make the law unenforceable.

With the exception of section 1, Engrossed Senate Bill No. 4705 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

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

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 4725, entitled:

"AN ACT Relating to accountancy."

The intent of the new language in section 5 is to create a new fund in the state treasury for receipt of all fees collected by the Board of Accountancy. Unfortunately, the new account is not properly created. Additionally, there is no appropriation from the new account. If this language is not vetoed, all the fees which currently go into the Certified Public Accountant Examination Account would be diverted to the new account. Because the account is improperly created and there is no appropriation, failure to veto this section would leave the Board without operating funds. For these reasons, I am vetoing section 5.

With the exception of section 5, Engrossed Senate Bill No. 4725 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Substitute Senate Bill No. 4762 entitled:

"AN ACT Relating to fiscal matters."

The provisions I have vetoed and the reasons therefore are as follows:

Sections 103(6), 206(5) and 209(2) place significant and specific unfunded study requirements on various agencies. While each of the study topics warrant investigation, it is unreasonable to mandate such significant efforts without consideration of costs.

Section 201(2)(f) provides funds to reopen Firlands Correction Center. Firlands was closed as a result of programmatic and fiscal considerations which have not changed. The funds provided are insufficient to cover the cost of operating the facility in accordance with state standards.

Section 207(1) would prohibit responsible action by the Department of Social and Health Services to prevent the spread of AIDS.

Section 211(9) provides state General Fund monies to reimburse local fire districts for fire fighting services rendered on Department of Game lands. While I support reimbursement of local fire districts for services provided to state agencies, this cost is properly an obligation of the Department of Game and its dedicated funds. Financial segregation of Game Department activities should be continued until the Department is brought under executive control and a thorough review of its finances and programs indicates General Fund supplementation is appropriate.

To the Honorable, the Senate
of the State of Washington
April 4, 1986
Page 2

Section 701(2) provides that monies from an existing appropriation to the Emergency Fund may be spent for law enforcement and social service problems arising from Expo '86. If the problems addressed by section 701(2) constitute an emergency, I will consider an allocation from the Emergency Fund. Otherwise, the Legislature should provide for these needs with a direct appropriation rather than limiting my ability to meet critical needs in state government.

In addition to the explanation of these vetoes, a comment is necessary regarding section 812. This section of the supplemental budget provides $210,000 from the General Fund and $210,000 in federal Game Funds for the purposes of rehabilitation work on the Barnaby Slough steelhead rearing pond. State funding for this project was terminated in 1981. The people of Skagit County have undertaken tremendous volunteer efforts to keep this project going and to preserve the steelhead resources of the area. Countless hours of labor and approximately $10,000 has been donated toward the operation of Barnaby Slough. It is only because of this impressive community effort that I am approving this provision. My decision to allow use of General Fund monies for this project should not be considered a precedent for any future General Fund support of the Game Department. The Department and the Commission should understand that access to these taxpayer funds will require the highest level of public accountability. The Department cannot have it both ways. If it wants to remain free of executive oversight, it should not have access to general taxpayer funds. The public has a proper right to far greater oversight of an agency to which its general tax dollars are allocated.

With the exception of sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Substitute Senate Bill No. 4762 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

April 4, 1986

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval of sections 18 and 24, Substitute Senate Bill No. 4779, entitled:

"AN ACT Relating to auctions."

The intent of this legislation is to retain the current licensing and bonding and trust accounts systems for auctioneers and add consumer protection by establishing standards for certain business practices and declaring that deviations from these practices constitute violations of the Consumers Protection Act.

Auctioneering is a growing industry in this state. The rapid growth of such service industries in which the service provider has substantial responsibilities for handling the merchandise and cash flow of clients frequently creates the potential for abuse. This legislation is intended to put in place appropriate protections for consumers before such abuses become a serious problem.

Section 18 of this legislation would establish a new Disciplinary Review Committee. This disciplinary committee is premature and would have no enforcement powers.

Section 24 of this legislation would forbid any regulation of auctioneers by cities and counties. This may interfere with the power of local governments to require business licenses and the payment of business taxes.

For the above reasons, sections 18 and 24 are vetoed.

With the exception of sections 18 and 24, Substitute Senate Bill No. 4779 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion, Engrossed Substitute Senate Bill No. 4790, entitled:

"AN ACT Relating to sludge."

The last sentence of this bill requires the Department of Ecology to submit a report to the Legislature by January 1, 1987, regarding its implementation of "this chapter."

Although it appears that the intent of this language is to require a report on the implementation of this bill, the language legally requires a report on the entire Solid Waste Management chapter of the State Code.

To avoid any confusion, I have vetoed this sentence and have directed the Department to report to the Legislature by next January 1, regarding implementation of the bill.

With the exception of this sentence, Engrossed Substitute Senate Bill No. 4790 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

April 4, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

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

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

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

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

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

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 3, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to banks and trust companies."

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

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

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

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

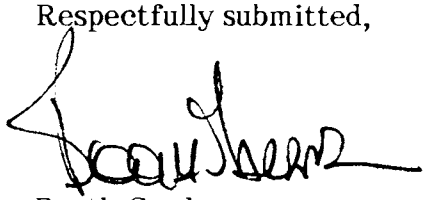
To the Honorable, the Senate
of the State of Washington
April 3, 1986
Page 2

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

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

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

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 1, 1986

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

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

"AN ACT Relating to the Department of Agriculture."

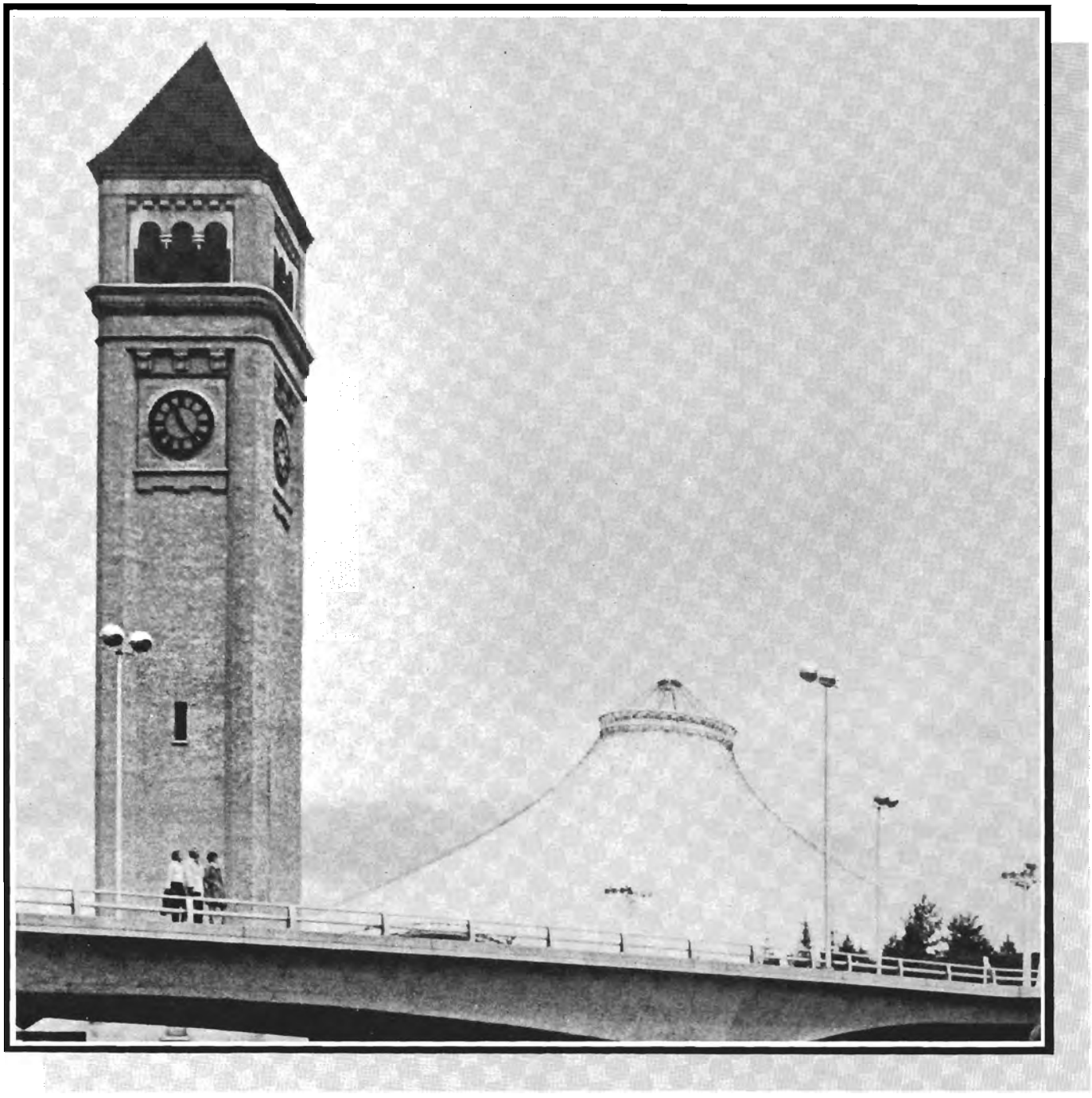
I am vetoing section 23 because of duplicate language contained in section 1 of Substitute House Bill No. 1355.

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

Respectfully submitted,

Booth Gardner
Governor

SUNSET LEGISLATION



The Burlington Northern Clock Tower with the United States Pavilion in the background, Expo '74 World's Fair, Spokane.

(Courtesy Cheney Cowles Memorial Museum, Spokane.)

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Sunset Legislation

BACKGROUND

The Washington State Sunset Act was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process combines an automatic termination schedule of selected state agencies, programs and statutes with a system of program and fiscal reviews that are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action.

SESSION SUMMARY

In accordance with previous legislative direction and the Sunset Act, the Legislative Budget Committee submitted 14 audit reports to the Legislature in 1986. The reports concerning these agencies and programs which were scheduled for termination on June 30, 1986, were referred to the appropriate Senate and House standing committees for review.

As a result of the sunset process, 25 agencies and programs were reauthorized, while nine agencies and programs were permitted to terminate. In addition, the Legislature scheduled seven programs for future termination under the sunset process.

AGENCIES AND PROGRAMS REAUTHORIZED OR MODIFIED

WASHINGTON STATE FAIRS COMMISSION

HB 1486. The State Fairs Commission is reauthorized with modifications and removed from the sunset schedule.

Modifications: The legislative authority of any county is required to file copies of county fair lease agreements with the Department of Agriculture.
Status: C 171 L 86
Committee: House Agriculture
Senate Agriculture

WASHINGTON STATE PATROL VEHICLE INSPECTION PROGRAM

HB 1763. The Vehicle Inspection Program is reauthorized with modifications and removed from the sunset schedule.

Modifications: The State Patrol's vehicle inspection responsibilities are clarified. The requirement that all passenger vehicles be inspected by the Patrol on a periodic basis, and the authority of political subdivisions to conduct periodic vehicle equipment inspections are removed.
Status: C 123 L 86
Committee: House Transportation
Senate Transportation

STATE BOARD OF ACCOUNTANCY

SB 4725. The Board is reauthorized with modifications and removed from the sunset schedule.

Modifications: The Board is authorized to implement a quality assurance review program for certified public accountants (CPAs). License fees, in addition to examination fees, are deposited in the CPA account.
Status: C 295 L 86 PV
Committee: Senate Commerce & Labor
House Trade & Economic Development

* Not subject to full sunset review.

EDUCATIONAL SERVICES REGISTRATION ACT (Commission for Vocational Education)

SHB 1687. The Educational Services Registration Act is permitted to terminate and a new statute is enacted that provides for the regulation of private vocational schools by the Commission for Vocational Education or its successor agency. The act is removed from the sunset schedule.

Modifications: The list of unfair business practices is expanded. Bond requirements are increased to a minimum of $5,000 and maximum of $75,000. The Commission for Vocational Education's administrative powers are expanded, and it is required to establish an advisory committee.
Status: C 299 L 86 PV
Committee: House Higher Education
Senate Education

EDUCATIONAL SERVICES REGISTRATION ACT (Higher Education Coordinating Board)

SHB 1688. The Educational Services Registration Act is permitted to terminate and a new statute is enacted that provides for the regulation of degree-granting institutions by the Higher Education Coordinating Board. The act is removed from the sunset schedule.

Modifications: Financial security requirements are left to the discretion of the Board. The Board's administrative authority is expanded.
Status: C 136 L 86
Committee: House Higher Education
Senate Education

EXAMINING BOARD OF PSYCHOLOGY

SSB 4629. The Board of Psychology is reauthorized with modifications and rescheduled for termination on June 30, 1992.

Modifications: Technical in nature.
Status: C 27 L 86
Committee: Senate Human Services & Corrections
House Social & Health Services

STATE BOARD OF HEALTH

SB 4506. The State Board of Health is reauthorized and removed from the sunset schedule.

Modifications: The Office of Financial Management is required to study the issue of consolidating existing public health and environmental health services into a single state agency and report to the Legislature by December 1, 1986.
Status: C 273 L 86 PV
Committee: Senate Human Services & Corrections
House Social & Health Services

* AUCTIONEER LICENSING ACT

SSB 4779. The Auctioneer Licensing Act is reauthorized with modifications and is not rescheduled for termination.

Modifications: The Department of Licensing's authority to deny, suspend and revoke licenses is increased.
Status: C 324 L 86 PV
Committee: Senate Commerce & Labor
House Commerce & Labor

* Not subject to full sunset review.

* UNFAIR CIGARETTE BELOW COST ACT

SSB 4627. The act is reauthorized with modifications and rescheduled to terminate on July 1, 1991.

Modifications: Cigarette wholesalers are required to retain cigarette manufacturers' discounts. Cigarette pricing is gradually phased out over five years and replaced by a licensing process on July 1, 1991.
Status: C 321 L 86 PV
Committee: Senate Commerce & Labor
House Commerce & Labor

REGULATION OF NURSING PROFESSION
MUNICIPAL RESEARCH COUNCIL
SNOWMOBILE ADVISORY COUNCIL (State Parks and Recreation Commission)
STATE ADVISORY COMMITTEE (Department of Social and Health Services)
DEPARTMENT OF COMMUNITY DEVELOPMENT
STATE CAPITOL HISTORICAL ASSOCIATION
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
WASHINGTON STATE HISTORICAL SOCIETY
OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION
ADVISORY COUNCIL ON HISTORICAL PRESERVATION
WASHINGTON STATE HERITAGE COUNCIL
REGULATION OF FUNERAL DIRECTORS AND EMBALMERS

SHB 1333. The agencies and programs listed above are reauthorized without modifications prior to their scheduled sunset review. In addition, they are removed from the sunset schedule. As a result of the Governor's veto, the Cemetery Board is not reauthorized and remains on the sunset termination schedule for 1987.

Status: C 270 L 86 PV
Committee: House State Government
Senate Governmental Operations

* STATE BOXING COMMISSION
* CRIMINAL JUSTICE TRAINING COMMISSION
* STATE ENERGY OFFICE

SHB 1333. These agencies are reauthorized and removed from the termination schedule.

Status: C 270 L 86 PV
Committee: House
Senate

PUBLIC DISCLOSURE COMMISSION

HB 1647. The Commission is reauthorized with modifications and scheduled to terminate on June 30, 1992.

Modifications: Executive state officers are prohibited from filing as registered lobbyists for any entity.
Status: C 272 L 86 PV
Committee: House Constitution, Elections & Ethics
Senate Governmental Operations

* Not subject to full sunset review.

Sunset Legislation

AGENCIES AND PROGRAMS PERMITTED TO TERMINATE

COMMISSION FOR VOCATIONAL EDUCATION

The Commission is permitted to terminate on June 30, 1986, with repealers going into effect on June 30, 1987. The Commission intends to continue in operation during the wind-down period and seek reauthorization during the 1987 session.

STATE PRINTING IN SHELTERED WORKSHOPS

The program is permitted to terminate on June 30, 1986.

TOLL LOGGING ROADS REGULATIONS (76.24 RCW)
BOOM COMPANIES REGULATIONS (76.28 RCW)
LOG DRIVING COMPANIES REGULATIONS (76.32 RCW)

The regulations are permitted to terminate on June 30, 1986.

DITCHES ACROSS HIGHWAYS REGULATIONS (90.28.030 RCW)

The regulations are permitted to terminate on June 30, 1986.

TRAINING STANDARDS AND EDUCATION BOARDS (Criminal Justice Training Commission)
BOARD ON LAW ENFORCEMENT TRAINING STANDARDS AND EDUCATION
BOARD ON CORRECTIONAL TRAINING STANDARDS AND EDUCATION
BOARD ON PROSECUTOR/DEFENDER TRAINING STANDARDS AND EDUCATION

The Boards are permitted to terminate on June 30, 1986.

AGENCIES OR PROGRAMS SCHEDULED FOR SUNSET REVIEW

NURSING HOME ADVISORY COUNCIL
June 30, 1989 (Rescheduled from June 30, 1987) (SHB 1333)

EMERGENCY MEDICAL SERVICES COMMITTEE
June 30, 1989 (Rescheduled from June 30, 1987) (SHB 1333)

ASIAN-AMERICAN AFFAIRS COMMISSION
June 30, 1989 (Rescheduled from June 30, 1988) (SHB 1333)

WASHINGTON COUNCIL FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT
June 30, 1989 (Rescheduled from June 30, 1988) (SHB 1333)

WASHINGTON PORTS EXPORT TRADING COMPANY ACT
July 1, 1991 (SHB 1587)

RECREATIONAL WATER CONTACT FACILITY ADVISORY COMMITTEE
June 30, 1990 (SSB 3498)

EXAMINING BOARD OF PSYCHOLOGY
June 30, 1992 (SSB 4629)

* Not subject to full sunset review.

BUDGET HIGHLIGHTS

Expo '86 opening ceremony at Vancouver, B.C., Canada, on May 2, 1985. Beefeater Band in the foreground circling the Omni Max.

(Courtesy Expo '86 World's Fair Commission, Seattle.)

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April 15, 1986

	($ in Millions)
BEGINNING FUND BALANCE (7/1/85)	$0.0
REVENUE	
December 20 Forecast (RFC-Dec)	$9,646.4
March 18 Forecast (RFC-March)	(153.6)
June 3 Forecast (RFC-June)	(221.3)
September 17 Forecast (RFC-Sept)	(5.3)
December 18 Forecast (RFC-Dec)	3.1
February 18 Forecast (RFC-Feb)	20.3
Current Revenue Forecast	$9,289.6
Revenue Revisions:	
Transfers of Fund Balances	
Motor Transport Account	2.0
Pub. Facilities Const. Loan & Grant Rev.	1.5
HB 1754 Sales Tax Deferral	(5.9)
SB 4876 Low-level Radio Waste	12.0
SB 3636 Equalize Ins. Prem. Tax & Fees	(0.3)
Other Legislation	(2.0)
TOTAL REVENUE AVAILABLE FOR 85-87	$9,297.0
EXPENDITURES	
Existing Appropriations	$9,139.3
Supplemental Budget--Operating	101.4
Supplemental Budget--Capital	1.5
Other Legislation	9.3
TOTAL EXPENDITURES FOR 85-87	$9,251.5
ENDING FUND BALANCE (6/30/87)	$45.5

BILL NUMBER		TITLE	APPROPRIATION GF-S	OTHER
SHB	378	Retire/cost living adj/fund	$5,300,000	
HB	1355	Horse market program/Wa.-bred	$45,000	
HB	1687	Reg. private voc. schools PARTIAL VETO	$35,000	
HB	1702	Developmentally disabled/funds	$741,000	$215,000
SHB	2021	Health care project PARTIAL VETO	$215,000	$60,000
ESSB	4519	Water pollution financing		$20,400,000
SSB	4590	Local Govnt invest. PARTIAL VETO		$100,000
ESSB	4659	Med asst elgbty comm propty	$2,709,000	
ESSB	4710	Fingerprint Info System	$25,000	
SB	4712	Archivist oral history PARTIAL VETO	$29,000	
ESSB	4722	Contractor Infractions	$45,000	
ESSB	4724	Excellence in education award	$60,500	
SSB	4815	Public Works Approp PARTIAL VETO		$17,052,093
SSB	5026	Farmer hazard waste	$49,500	
		TOTAL OTHER APPROPRIATION LEGISLATION	$9,254,000	$37,827,093

BILL NUMBER		TITLE	REVENUE GF-S	REVENUE OTHER
SHBa	131	Health related professions		$56,325
SHBa	594	Institution industry/revenue		$2,850,000
SHB	1391	Hearing aids/tax exempt	($676,000)	
SHBa	1433	Lottery winners/state claims	$28,000	
ESHBa	1447	Public works contracts	($13,300)	$38,100
HB	1517	Estate taxation/provisions	$50,000	
HB	1539	Snowmobile regs/revised		$39,000
HBa	1631	Nursing home cost reimbursement		($144,500)
HBa	1633	Timber tax/public entities PARTIAL VETO	$178,000	$25,000
HB	1637	Emergency info services/access		$24,000
HBa	1647	PDC sunset termination/repeal	$6,200	
ESHBa	1687	Reg. private voc. schools PARTIAL VETO	$35,000	
ESHBa	1688	Institutions/ degree-granting	$18,800	
ESHBa	1754	Unemployed recipients/hire PARTIAL VETO	($5,855,000)	
SHBa	1827	Vessels/property tax	($465,000)	
SHB	1846	B&O tax/warehouse operations	($161,000)	
HBa	1851	Excise tax/processing	($65,000)	
HBa	1899	State land bank		$10,000,000
SHBa	2014	Agricultural commission		$39,000
2SSB	3110	Amusement Devices B&O VETO		
ESBa	3278	Foreign student fee waiver	($400,000)	
E2SBa	3574	Leasehold Excise Tax	($52,000)	
ESB	3636	Insurance Tax Rates & Fees PARTIAL VETO	($290,000)	$3,403,000
SSB	4425	Livestock	($5,000)	
SSB	4458	Forest Land Taxation	($20,000)	($4,400)
ESSB	4519	Water Pollution Financing	($400,000)	$44,068,000
ESSBa	4627	Predatory cigarette pricing	$4,000	
ESSBa	4724	Excellence in education award	($97,000)	($14,000)
SSBa	4769	Feed tax	($5,000)	
SSBa	4783	Controlled Substances		$300,000
ESB	4876	Low level radio waste	$12,000,000	
ESSBa	5044	Agri commodity dept authority		$59,900
		TOTAL OTHER REVENUE LEGISLATION	$3,815,700	$60,739,425

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
LEGISLATIVE	65,308	65,308					2,188	2,188		67,496	67,496	
JUDICIAL	41,435	40,969	466				12,731	13,838	-1,107	54,166	54,807	-641
GENERAL GOVERNM	121,638	124,268	-2,630	6,819	7,522	-703	606,164	601,847	4,317	734,621	733,637	984
HUMAN RESOURCES	2471,695	2425,616	46,079	1804,031	1752,005	52,026	413,915	390,874	23,041	4689,641	4568,495	121,146
NATURAL RESOURC	204,150	196,827	7,323	47,425	47,425		694,790	766,272	-71,482	946,365	1010,524	-64,160
TRANSPORTATION	27,562	25,946	1,616	6,004	6,004		779,438	766,208	13,230	813,004	798,158	14,846
TOTAL EDUCATION	5694,060	5709,341	-15,281	275,729	275,729		951,137	941,085	10,052	6920,926	6926,155	-5,229
PUBLIC SCHOOL	4222,073	4241,022	-18,949	246,221	246,221		25,637	15,585	10,052	4493,931	4502,828	-8,897
COMM COLLEGES	483,167	481,438	1,729				54,798	54,798		537,965	536,236	1,729
HIGHER EDUCAT	932,546	930,792	1,754				854,766	854,766		1787,312	1785,558	1,754
EDUCATION OTH	56,274	56,089	185	29,508	29,508		15,936	15,936		101,718	101,533	185
SPECIAL APPROP	623,234	550,183	73,051	4,634	918	3,716	1154,077	1150,171	3,906	1781,945	1701,272	80,673
TOT WASHINGTON ST	9249,082	9138,458	110,624	2144,642	2089,603	55,039	4614,440	4632,483	-18,043	16008,163	15860,543	147,620

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
TOTAL LEGISLATI	65,308	65,308					2,188	2,188		67,496	67,496	
HOUSE OF REP	30,349	30,349								30,349	30,349	
SENATE	24,653	24,653								24,653	24,653	
LEGIS BUDGET	1,446	1,446								1,446	1,446	
LEGIS TRANSPO							1,800	1,800		1,800	1,800	
LEAP COMMITTE	1,825	1,825								1,825	1,825	
STATE ACTUARY	506	506								506	506	
STATUTE LAW C	6,529	6,529					388	388		6,917	6,917	
TOTAL JUDICIARY	41,435	40,969	466				12,731	13,838	-1,107	54,166	54,807	-641
SUPREME COURT	9,087	8,872	215							9,087	8,872	215
LAW LIBRARY	2,326	2,326								2,326	2,326	
COURT OF APPE	10,364	10,364								10,364	10,364	
COURT ADMR	19,304	19,053	251				12,731	13,838	-1,107	32,035	32,891	-856
JUDICIAL QUAL	354	354								354	354	
TOTAL LEG & JUD	106,743	106,277	466				14,919	16,026	-1,107	121,662	122,303	-641

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
ENERGY OFFICE	1,610	1,595	15	13,978	13,978		1,395	1,395		16,983	16,968	15
COL RIV GORGE	104	104					82	82		186	186	
DEPT ECOLOGY	43,147	42,489	658	20,250	20,250		467,032	545,851	-78,819	530,429	608,590	-78,162
ENVIRON HEARI	776	776								776	776	
ENERGY FAC SI							2,740	2,740		2,740	2,740	
PARKS & RECRE	33,956	33,956		660	660		10,859	10,859		45,475	45,475	
ARCH/HIST PRE	367	367		614	614					981	981	
OUTDR RECREAT							20,626	20,626		20,626	20,626	
TRADE & ECONO	20,281	20,281					821	761	60	21,102	21,042	60
DEPT FISHERIE	43,169	43,169		10,924	10,924		3,163	3,163		57,256	57,256	
DEPT GAME							54,096	53,741	355	54,096	53,741	355
ST CONVENT/TR							4,913	4,913		4,913	4,913	
NATURAL RESOU	37,339	30,791	6,548	258	258		94,340	87,456	6,884	131,937	118,505	13,432
PUGET SOUND W	2,700	2,700								2,700	2,700	
DEPT AGRICULT	14,936	14,834	102	741	741		34,501	34,463	38	50,178	50,038	140
CONSERVATION	364	364								364	364	
WASH CENTENNI	1,513	1,513					222	222		1,735	1,735	
WORLD FAIR CO	3,888	3,888								3,888	3,888	
NATURAL RESOURCES	204,150	196,827	7,323	47,425	47,425		694,790	766,272	-71,482	946,365	1010,524	-64,160

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
OFF OF GOV	4,735	4,735								4,735	4,735	
LT GOVERNOR	277	277								277	277	
SECRETARY OF	5,718	5,689	29				2,171	2,171		7,889	7,860	29
MEXICAN-AM AF	204	204								204	204	
ASIAN-AM ADV	260	260								260	260	
INDIAN ADVISO	216	216								216	216	
STATE TREASUR	750		750				7,780	7,780		8,530	7,780	750
STATE AUDITOR	788	788					21,710	21,710		22,498	22,498	
ATTORNEY GENE	4,700	4,700					29,760	29,760		34,460	34,460	
OFF FINANCIAL	14,686	14,436	250				250	100	150	14,936	14,536	400
INVESTMENT BO							1,542	1,542		1,542	1,542	
DEPT PERSONNE							19,969	19,884	85	19,969	19,884	85
PERSONNEL APP							741	741		741	741	
DATA PROCESS							1,173	1,173		1,173	1,173	
DEFER COMP CO							1,232	1,232		1,232	1,232	
DEPT REVENUE	59,546	59,857	-311				3,882	3,882		63,428	63,739	-311
TAX APPEALS B	1,086	1,086								1,086	1,086	
DEPT GEN ADMI	7,563	7,694	-131				168,036	168,036		175,599	175,730	-131
INSURANCE COM	5,345	8,664	-3,319				4,082		4,082	9,427	8,664	763
PUB DISCLOSUR	976	976								976	976	
DEPT RETIREME							15,354	15,354		15,354	15,354	
MUN RESEARCH	1,835	1,835								1,835	1,835	
ST BRD OF ACC	342	342					540	540		882	882	
BOXING COMMIS	86	86								86	86	
CEMETERY BOAR							118	118		118	118	
HORSE RACING							4,015	4,015		4,015	4,015	
GAMBLING COMM							7,154	7,154		7,154	7,154	
LIQUOR CONTRO							86,762	86,762		86,762	86,762	
PHARMACY BOAR	1,166	1,166					396	396		1,562	1,562	
UTILITY & TRA							23,279	23,279		23,279	23,279	
VOL FIREMEN B							212	212		212	212	
DEPT EMERGENC	1,123	1,036	87	4,727	5,430	-703				5,850	6,466	-616
MILITARY DEPT	7,109	7,109		2,092	2,092					9,201	9,201	
PUB EMPL REL	1,586	1,586								1,586	1,586	
LOTTERY COMMI							197,632	197,632		197,632	197,632	
UNIFORM LEG C	29	14	15							29	14	15
ADMIN HEARING							8,370	8,370		8,370	8,370	
MINORITY & WO	1,512	1,512								1,512	1,512	
DEATH INVESTI							5	5		5	5	
GENERAL GOVERNMEN	121,638	124,268	-2,630	6,819	7,522	-703	606,164	601,847	4,317	734,621	733,637	984

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
DEPT CORRECTI	323,738	323,238	500				300	300		324,038	323,538	500
DEPT SOC & HL	2090,883	2049,298	41,585	1505,540	1452,726	52,814	54,788	54,589	199	3651,211	3556,613	94,598
DEPT COMMUNIT	15,982	12,529	3,453	139,851	140,639	-788	18,088	529	17,559	173,921	153,697	20,224
VETERANS AFFA	16,747	16,747		3,338	3,338		4,805	4,805		24,890	24,890	
HUMAN RIGHTS	2,954	2,954		1,112	1,112					4,066	4,066	
IND INS APPEA							7,605	7,616	-11	7,605	7,616	-11
CRIM JUST TRN							6,762	7,042	-280	6,762	7,042	-280
DEPT L & I	7,854	7,809	45				157,432	157,336	96	165,286	165,145	141
PRISON TERMS	2,848	2,752	96							2,848	2,752	96
HOSPITAL COMM	1,833	1,833					1,329	1,329		3,162	3,162	
DEPT EMPLOY S	5,327	5,052	275	150,288	150,288		123,532	123,532		279,147	278,872	275
DEPT BLIND SV	2,220	2,220		3,830	3,830		660	660		6,710	6,710	
CORRECT STDS	692	692		72	72		38,614	33,136	5,478	39,378	33,900	5,478
SENTENCING CO	492	492								492	492	
HEALTH CARE P	125		125							125		125
TOT HUMAN RESOURC	2471,695	2425,616	46,079	1804,031	1752,005	52,026	413,915	390,874	23,041	4689,641	4568,495	121,146

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
CHILDREN & FA	130,970	127,625	3,345	50,438	50,438					181,408	178,063	3,345
JUVENILE REHA	73,574	73,574		968	968					74,542	74,542	
MENTAL HEALTH	240,901	235,301	5,600	46,191	44,091	2,100	710	710		287,802	280,102	7,700
DEVELOPMENTAL	166,941	171,033	-4,092	143,250	128,946	14,304				310,191	299,979	10,212
LONG TERM CAR	274,474	270,929	3,545	250,636	247,636	3,000				525,110	518,565	6,545
INCOME ASSIST	466,381	437,323	29,058	379,242	350,042	29,200				845,623	787,365	58,258
COMMUNITY SOC	35,980	35,980		14,093	14,093		165	165		50,238	50,238	
MEDICAL ASSIS	440,966	438,257	2,709	304,100	304,100					745,066	742,357	2,709
PUBLIC HEALTH	44,611	43,411	1,200	70,035	66,635	3,400	52,907	52,907		167,553	162,953	4,600
VOCATIONAL RE	12,582	12,582		29,370	29,370					41,952	41,952	
ADMIN SUPPORT	62,951	62,971	-20	39,032	39,032		74	74		102,057	102,077	-20
COMMUNITY SER	124,604	124,454	150	145,876	145,726	150	732	732		271,212	270,912	300
REVENUE COLLE	15,858	15,858		32,249	31,649	600	200		200	48,307	47,507	800
300-MISCELLAN	90		90	60		60				150		150
DEPT SOCIAL & HLT	2090,883	2049,298	41,585	1505,540	1452,726	52,814	54,788	54,588	200	3651,211	3556,612	94,599

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
STATE PATROL	13,684	13,295	389	140	140		123,056	119,829	3,227	136,880	133,264	3,616
TRAFFIC SAFET							5,049	5,049		5,049	5,049	
DEPT LICENSIN	13,266	12,039	1,227				126,806	125,133	1,673	140,072	137,172	2,900
CNTY ROAD ADM							21,718	21,718		21,718	21,718	
BRD PILOTAGE							80	80		80	80	
DEPT TRANSPOR	610	610		5,864	5,864		433,503	425,173	8,330	439,977	431,647	8,330
URBAN ARTERIA							68,486	68,486		68,486	68,486	
MARINE EMPLOY							274	274		274	274	
TRANSPORTATIO	2	2					466	466		468	468	
TOT TRANSPORTATIO	27,562	25,946	1,616	6,004	6,004		779,438	766,208	13,230	813,004	798,158	14,846

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
PUBLIC SCHOOLS	4222,073	4241,022	-18,949	246,221	246,221		25,637	15,585	10,052	4493,931	4502,828	-8,897
COMM COLLEGE TO	483,167	481,438	1,729				54,798	54,798		537,965	536,236	1,729
HIGHER EDUCATIO	932,546	930,792	1,754				854,766	854,766		1787,312	1785,558	1,754
UNIV OF WASH	437,554	437,423	131				698,077	698,077		1135,631	1135,500	131
WASH STATE UN	250,415	250,293	122				126,106	126,106		376,521	376,399	122
EASTERN WASH	71,787	71,567	220				8,035	8,035		79,822	79,602	220
CENTRAL WASH	61,827	61,532	295				11,716	11,716		73,543	73,248	295
THE EVERGREEN	34,209	33,643	566				2,948	2,948		37,157	36,591	566
WESTERN WASH	76,754	76,334	420				7,884	7,884		84,638	84,218	420
EDUCATION OTHER	56,274	56,089	185	29,508	29,508		15,936	15,936		101,718	101,533	185
COMPACT FOR E												
HIGHER ED COO	36,083	35,933	150	3,634	3,634		40	40		39,757	39,607	150
HI TECH COORD												
COMM FOR VOC	6,311	6,276	35	22,560	22,560		500	500		29,371	29,336	35
HE PERSONNEL							1,779	1,779		1,779	1,779	
STATE LIBRARY	8,524	8,524		2,376	2,376		13,324	13,324		24,224	24,224	
STATE ARTS CO	3,538	3,538		938	938					4,476	4,476	
ST HIST SOCIE	630	630					106	106		736	736	
E WA ST HIST	626	626					75	75		701	701	
ST CAPITOL HI	562	562					112	112		674	674	
EDUCATION TOTAL	5694,060	5709,341	-15,281	275,729	275,729		951,137	941,085	10,052	6920,926	6926,155	-5,229

DOLLARS IN THOUSANDS

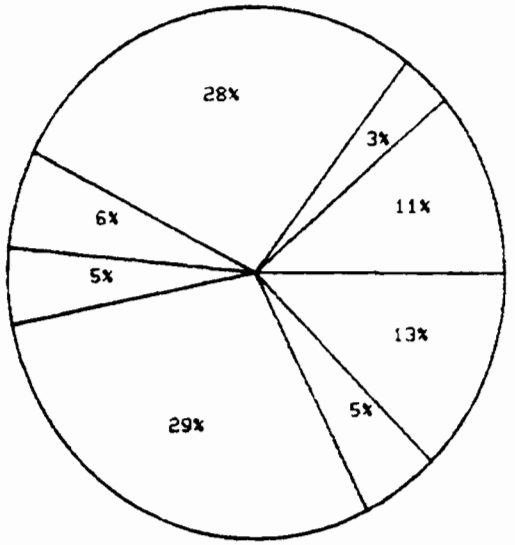
	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
PUBLIC SCHOOLS	4222,073	4241,021	-18,949	246,221	246,221		25,637	15,587	10,050	4493,931	4502,829	-8,899
OFFICE OF SPI	19,509	19,173	336	7,412	7,412		464	464		27,385	27,049	336
GEN APPORTION	3181,768	3210,393	-28,625							3181,768	3210,393	-28,625
TRANSPORTATIO	204,421	208,894	-4,473							204,421	208,894	-4,473
VOC-TECH INST	63,312	63,312								63,312	63,312	
FOOD SERVICES	6,000	6,000		69,584	69,584					75,584	75,584	
HANDICAPPED	362,380	355,371	7,009	30,153	30,153					392,533	385,524	7,009
TRAFFIC SAFET							13,876	15,123	-1,247	13,876	15,123	-1,247
EDUC SERVICE	9,568	9,568								9,568	9,568	
ELEM & SECOND				105,360	105,360					105,360	105,360	
INDIAN EDUCAT				335	335					335	335	
INSTITUTIONAL	20,982	20,982		6,663	6,663					27,645	27,645	
ADULT BASIC E				2,629	2,629					2,629	2,629	
HIGHLY CAPABL	4,876	4,918	-42							4,876	4,918	-42
SCHOOL DIST S	255	255								255	255	
CAREER EDUCAT												
SPECIAL & PIL	4,126	4,126								4,126	4,126	
FEDERAL ENCUM				24,085	24,085					24,085	24,085	
TRANSITIONAL	9,342	9,342								9,342	9,342	
REMEDIATION A	29,580	24,733	4,847							29,580	24,733	4,847
SPECIAL NEEDS												
RELIANCE DIST												
EDUCATIONAL C	2,332	2,332								2,332	2,332	
TRS CONTRIBUT	299,000	297,000	2,000							299,000	297,000	2,000
BELATED CLAIM												
MISCELLANEOUS	4,622	4,622								4,622	4,622	
PERS CONTRIB							11,297		11,297	11,297		11,297
PUBLIC SCHOOLS	4222,073	4241,021	-18,949	246,221	246,221		25,637	15,587	10,050	4493,931	4502,829	-8,899

DOLLARS IN THOUSANDS

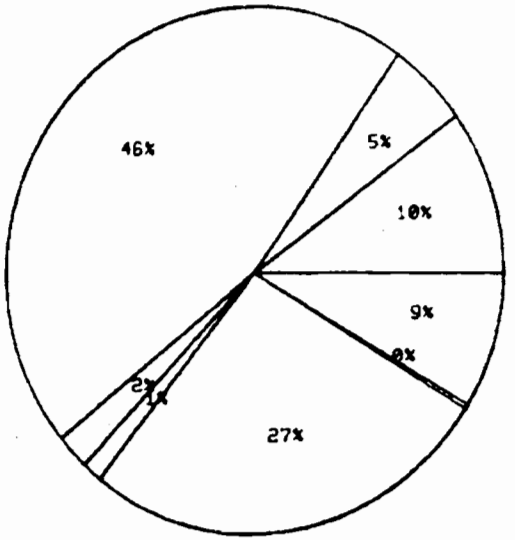
	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF	FINAL 1985-87	ORIGINAL 1985-87	$ DIFF
SPEC APP TO G	1,700	1,700								1,700	1,700	
BELATED CLAIM	1,145	1,145								1,145	1,145	
SUNDRY CLAIMS	1,411	1,091	320	104		104	1,253	1,251	2	2,768	2,342	426
ST REV FOR DI	213,604	209,457	4,147				386,754	401,332	-14,578	600,358	610,789	-10,431
FED REV FOR D				918	918		25,281	25,281		26,199	26,199	
BOND RETIRE &							677,487	677,487		677,487	677,487	
COMP WORTH	26,790	26,790					19,120	19,120		45,910	45,910	
RETIREMENT CO	300,895	310,000	-9,105				34,805	25,700	9,105	335,700	335,700	
RETIREMENT CO	3,300		3,300							3,300		3,300
SALARY ADJUST	26,656		26,656	3,612		3,612	9,377		9,377	39,645		39,645
K-12 SALARY A	47,733		47,733							47,733		47,733
TOT SPECIAL APPRO	623,234	550,183	73,051	4,634	918	3,716	1154,077	1150,171	3,906	1781,945	1701,272	80,673

DOLLARS IN MILLIONS

	1985-87 BIENNIUM	
HIGHER EDUCATION	1,787	11%
COMMUNITY COLLEGES	538	3%
PUBLIC SCHOOLS	4,494	28%
NATURAL RESOURCES	946	6%
GENERAL GOVERNMENT	735	5%
HUMAN RESOURCES	4,690	29%
TRANSPORTATION	813	5%
ALL OTHER	2,005	13%
TOTAL ALL FUNDS	16,008	100%

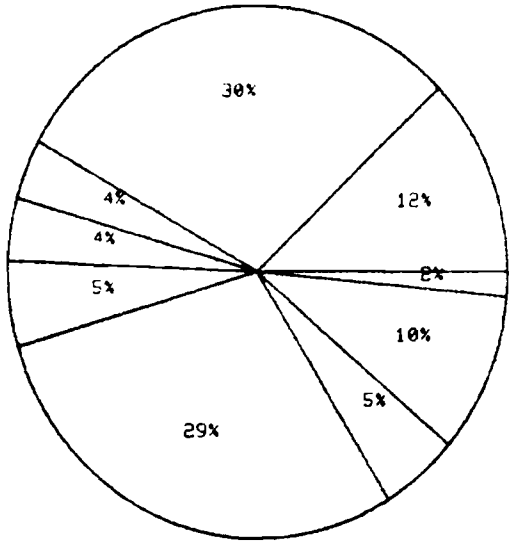


HIGHER EDUCATION	933	10%
COMMUNITY COLLEGES	483	5%
PUBLIC SCHOOLS	4,222	46%
NATURAL RESOURCES	204	2%
GENERAL GOVERNMENT	122	1%
HUMAN RESOURCES	2,472	27%
TRANSPORTATION	28	%
ALL OTHER	786	9%
GENERAL FUND-STATE	9,249	100%

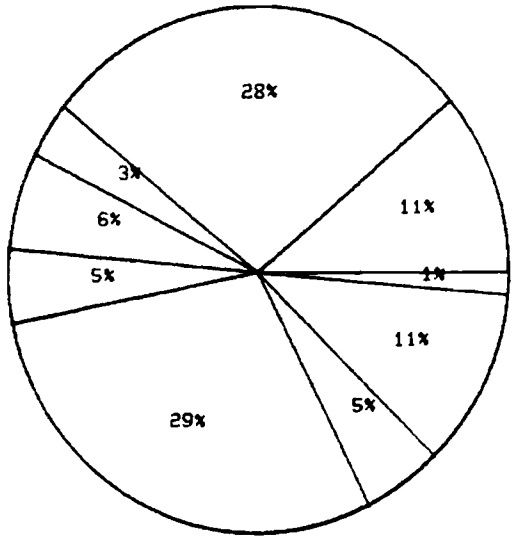


DOLLARS IN MILLIONS

	ALL FUNDS	
HIGHER EDUCATION	1,636	12%
PUBLIC SCHOOLS	4,100	30%
COMMUNITY COLLEGES	499	4%
NATURAL RESOURCES	511	4%
GENERAL GOVERNMENT	702	5%
HUMAN RESOURCES	4,003	29%
TRANSPORTATION	691	5%
SPECIAL APPROP	1,331	10%
ALL OTHER	207	2%
1983-85 TOTAL	13,680	100%

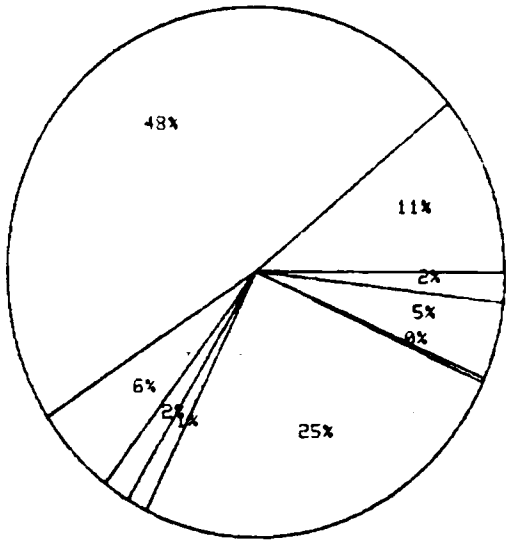


HIGHER EDUCATION	1,787	11%
PUBLIC SCHOOLS	4,494	28%
COMMUNITY COLLEGES	538	3%
NATURAL RESOURCES	946	6%
GENERAL GOVERNMENT	735	5%
HUMAN RESOURCES	4,690	29%
TRANSPORTATION	813	5%
SPECIAL APPROP	1,782	11%
ALL OTHER	223	1%
1985-87 TOTAL	16,008	100%

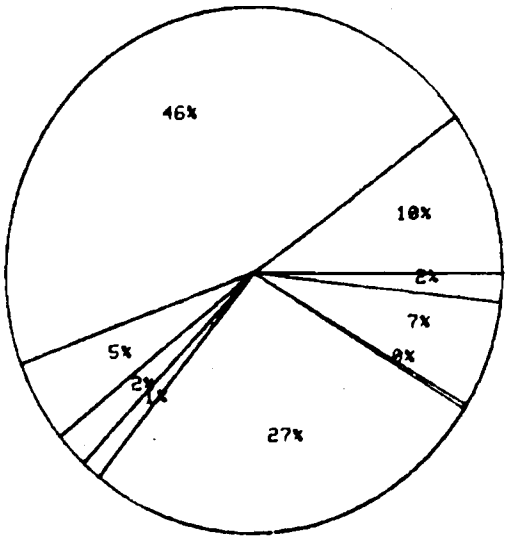


DOLLARS IN MILLIONS

	GENERAL FUND-STATE	
HIGHER EDUCATION	877	11%
PUBLIC SCHOOLS	3,878	48%
COMMUNITY COLLEGES	442	6%
NATURAL RESOURCES	140	2%
GENERAL GOVERNMENT	110	1%
HUMAN RESOURCES	2,044	25%
TRANSPORTATION	21	%
SPECIAL APPROP	377	5%
ALL OTHER	144	2%
1983-85 TOTAL	8,033	100%



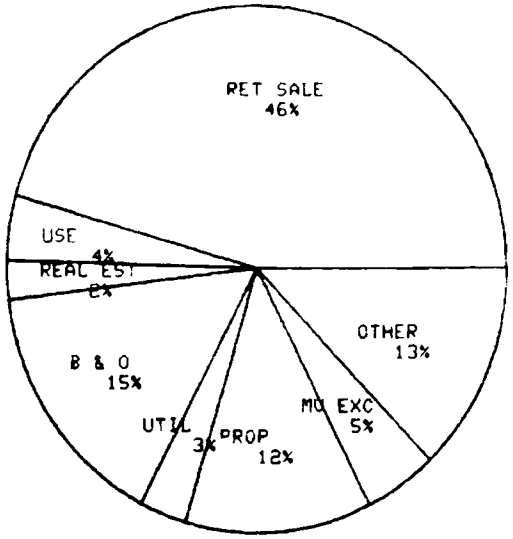
HIGHER EDUCATION	933	10%
PUBLIC SCHOOLS	4,222	46%
COMMUNITY COLLEGES	483	5%
NATURAL RESOURCES	204	2%
GENERAL GOVERNMENT	122	1%
HUMAN RESOURCES	2,472	27%
TRANSPORTATION	28	%
SPECIAL APPROP	623	7%
ALL OTHER	163	2%
1985-87 TOTAL	9,249	100%



DOLLARS IN MILLIONS

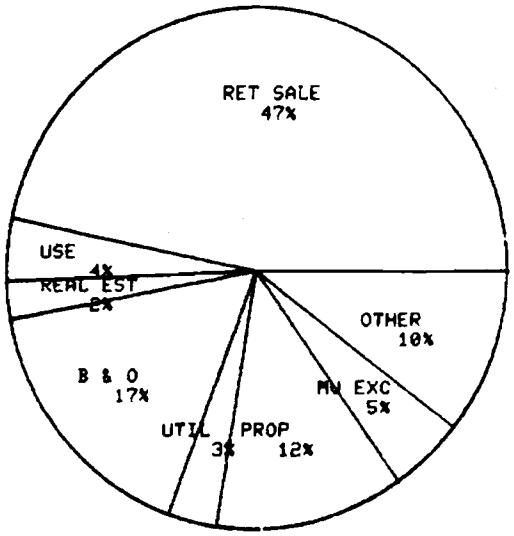
1983-85 BIENNIUM

RETAIL SALES*	3,695.6	46%
USE TAX	317.0	4%
REAL ESTATE EXCISE	189.2	2%
B & O	1,254.4	15%
PUBLIC UTILITY	245.2	3%
PROPERTY TAX	973.6	12%
MOTOR VEHICLE EXCISE	382.4	5%
ALL OTHER	1,041.1	13%
1983-85 ACTUAL	8,098.5	100%



1985-87 BIENNIUM

RETAIL SALES*	4,336.5	47%
USE TAX	362.4	4%
REAL ESTATE EXCISE	221.2	2%
B & O	1,540.8	17%
PUBLIC UTILITY	291.0	3%
PROPERTY TAX	1,121.6	12%
MOTOR VEHICLE EXCISE	448.6	5%
ALL OTHER	967.5	10%
1985-87 FORECAST	9,289.6	100%



*Before deduction for debt service
1985-87 forecast from March, 1986 revenue forecast

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
SUPREME COURT			
Funds a 12 month project to relieve the backlog in Divisions I & II, Court of Appeals.	215		
SUPREME COURT TOTAL	215	0	0
ADMINISTRATOR FOR THE COURTS			
Funds state's full share of four new Superior Court judgeships for Pierce County, Clark County, and Snohomish County created in SSB 3165 enacted in 1985.	73		
Provides for the costs incurred by the Superior Court of Thurston County to relieve the impact of litigation involving the state of Washington.	178		
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(1,107)
ADMINISTRATOR FOR THE COURTS TOTAL	251	0	(1,107)
OFFICE OF FINANCIAL MANAGEMENT			
Funds defense costs in the Yakima County State v Howard Superior Court Case.	50		
Provides for costs related to the Governor's Advisory Council on education funding.	200		
OFFICE OF FINANCIAL MANAGEMENT TOTAL	250	0	0
DEPARTMENT OF REVENUE			
Technical adjustment for equipment that will not be purchased.	(311)		
DEPARTMENT OF REVENUE TOTAL	(311)	0	0
DEPARTMENT OF PERSONNEL			
Authorizes spending increased revenue in the Productivity Fund.			85
DEPARTMENT OF PERSONNEL TOTAL	0	0	85
DEPARTMENT OF GENERAL ADMINISTRATION			
Adjusts appropriation of state funds that offset federal cutbacks in surplus commodities distribution program.	(191)		

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
Provides matching funds for a veteran's memorial.	60		
DEPARTMENT OF GENERAL ADMINISTRATION TOTAL	(131)	0	0
INSURANCE COMMISSIONER			
Shifts funding to industry fees. Transfers $929,000 to DCD for the Office of State Fire Marshal. Includes funds for legal action task force to review and recommend changes for improving the availability andafford-ability of liability insurance. Funds in-surance examiners salary increase, field rate investigators, data processing and health care regulation and senior health benefit advisor. Earmarks funds for regulation of HMO's.	(3,319)		4,082
INSURANCE COMMISSIONER TOTAL	(3,319)	0	4,082
UNIFORM LEGISLATION COMMISSION			
Funds state dues for second year and travel costs.	15		
UNIFORM LEGISLATION COMMISSION TOTAL	15	0	0
EMERGENCY MANAGEMENT			
Funds coordinator position, paritally offsetting the loss of federal funds.	57	(703)	
Provides emergency medical services for visitors to the Mt. St. Helens area.	30		
EMERGENCY MANAGEMENT TOTAL	87	(703)	0
DEPARTMENT OF CORRECTIONS			
Transfers funds to address Institutional Services shortfall.			
Community Services	(900)		
Institutional Services	2,100		
Provides funds for operating Firlands C.C. if the agency chooses to reopen the facility.	500		
Admin. & Program Support	(200)		
Institutional Industries	(1,000)		
DEPARTMENT OF CORRECTIONS TOTAL	500	0	0
CHILDREN & FAMILY SERVICES			
Continues "Street Kids" program for second year.	455		
Restores day care assistance for low-income working families.	2,800		

($'s 000)

DESCRIPTION	GF-S	GF-F	OTHER
Funds a pilot project for the prevention of child abuse and neglect providing parent effectiveness training and social services to poor, single, inner-city mothers.	90		
CHILDREN & FAMILY SERVICES Sub-TOTAL	3,345	0	0
MENTAL HEALTH			
Community Services: Funds children's mental health services in Spokane and Pierce counties from within current appropriations			
Provides for operating costs for the "El Rey Project" for the homeless mentally ill from within current appropriations.			
Institutional Services: Funds compliance with federal staffing and record keeping requirements at Eastern State Hospital.		1,900	
Funds positions at the Child Study and Treatment Center, filled in the 1983-85 biennium.		200	
Funds compliance with federal staffing and record keeping requirements at Western State Hospital.	5,600		
MENTAL HEALTH Sub-TOTAL	5,600	2,100	0
DEVELOPMENTAL DISABILITIES			
Community Services: Funds client growth.		1,400	
Funds 16 additional community placements.	505	20	
Transfers funds from Administration and Support Services for Deaf/Blind Service Center.	20		
Institutional Services: Funds compliance with federal "look behind audits" of the residential habilitation centers.		9,131	
Replaces state funds with increased Title XIX matching funds.	(5,000)	5,000	
Funds 16 additional community placements and reduces Rainier School population to 563. Requires report to the Legislature by 12/1/86.	(250)	(250)	

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
Special Projects: Transfers funding for the Developmental Disabilities Planning Council to the Department of Community Development.	(108)	(1,212)	
DEVELOPMENTAL DISABILITIES Sub-TOTAL	(4,833)	14,089	0
LONG-TERM CARE			
Continues respite care demonstration projects for the second year of the biennium.	545		
Provides a 3% nursing home rate increase for inflation, effective July 1, 1986.	3,000	3,000	
LONG-TERM CARE Sub-TOTAL	3,545	3,000	0
INCOME ASSISTANCE			
Funds income assistance caseload increases.	29,058	29,200	
INCOME ASSISTANCE Sub-TOTAL	29,058	29,200	0
ADMINISTRATION AND SUPPORTING SERVICES			
Transfers funds to DDD for Deaf/Blind Service Center.	(20)		
ADMINISTRATION AND SUPPORTING SERVICES Sub-TOTAL	(20)	0	0
PUBLIC HEALTH			
Funds increased vaccine costs.		600	
Funds public education project relating to AIDS.	200		
Continues prenatal care services for low-income pregnant women.		2,800	
Funds adult dental program through community clinics.	1,000		
PUBLIC HEALTH Sub-TOTAL	1,200	3,400	0
COMMUNITY SERVICES ADMINISTRATION PROGRAM			
Funds the employment partnership program to develop model grant diversion projects to reduce unemployment and welfare caseloads (2SHB 1505).	150	150	
COMMUNITY SERVICES ADMN PROGRAM Sub-TOTAL	150	150	0
DSHS TOTAL	38,045	52,539	200

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
REVENUE COLLECTIONS			
Provides additional staff for child support enforcement and overpayment recovery efforts.		600	200
REVENUE COLLECTIONS Sub-TOTAL	0	600	200
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Funds pilot head-start program for low income children, per ESSHB 1078 of 1985.	2,970		
Reduces federal discretionary block grant funds, to be added to DSHS for prenatal care.		(2,000)	
Shifts staffing for public works board from general fund to public works assistance account.	(375)		507
Shifts Developmentally Disabled Planning Council from DSHS to DCD.	108	1,212	
Funds fire protection services for L.T. Murray Range Field.	46		
Funds the state's share of the Federal Emergency Management Agency grant for January 1986 disaster relief.	750		
DEPARTMENT OF COMMUNITY DEVELOPMENT TOTAL	3,499	(788)	507
CRIMINAL JUSTICE TRAINING COMMISSION			
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(280)
CRIMINAL JUSTICE TRAINING COMMISSION TOTAL	0	0	(280)
BOARD OF INDUSTRIAL APPEALS			
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(11)
BOARD OF INDUSTRIAL APPEALS TOTAL	0	0	(11)
LABOR & INDUSTRIES			
Plumbers' Training: Funds HB 66 (passed by 1985 legislature), for implementation of a plumber training certification program.			96
LABOR & INDUSTRIES TOTAL	0	0	96

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
BOARD OF PRISON TERMS AND PAROLE			
Funds overtime cost and one-time AG costs associated with the Obert Myers decision.	96		
BOARD OF PRISON TERMS AND PAROLE TOTAL	96	0	0
EMPLOYMENT SECURITY			
Funds a community development job generation project with significant private sector financial and planning support.	275		
EMPLOYMENT SECURITY TOTAL	275	0	0
CORRECTIONS STANDARDS BOARD			
Adds funds from LJICA interest earned to complete remaining jail projects and bring others into code compliance, including Yakima County, Clallam County; and funds an addition to the Kitsap County jail for the City of Bremerton from money turned back from existing projects and unobligated interest earned.			5,478
CORRECTIONS STANDARDS BOARD TOTAL	0	0	5,478
STATE ENERGY OFFICE			
Provides Western Energy Board dues.	15		
STATE ENERGY OFFICE TOTAL	15	0	0
DEPARTMENT OF ECOLOGY			
Funds litigation and DC liaison costs re federal nuclear waste siting process.	250		
Funds implementation of low level radioactive waste program (SB 4876).	470		396
Funds increased activity in litter control.			535
Funds solid waste permit program (SHB 69 of 1985).	57		
Funds acid rain assessment (HB 974 of 1985).	52		
Funds water quality laboratory analysis improvements - short-holding, quick turnaround testing of water quality samples.	45		
Improves civil/criminal investigation capability re water quality and hazadous waste.	59		
Supplants state dollars with federal dollars for shoreline management.	(385)		

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
Provides additional flood control planning.	60		
Continues funding for DOE activities under ESHB 975.			
DEPARTMENT OF ECOLOGY TOTAL	608	0	931
TRADE & ECONOMIC DEVELOPMENT			
Authorizes transfer from surplus state trade fair fund for Pacific Celebration 1989, planning activities, for celebrating Washington's centennial.			
Funds computer-assisted tourist information system.			60
TRADE & ECONOMIC DEVELOPMENT TOTAL	0	0	60
DEPARTMENT OF GAME			
Authorizes expenditure of additional duck stamp funds (SHB 179 of 1985).			337
Pays court-ordered damages in Chehalis River case.			57
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(39)
DEPARTMENT OF GAME TOTAL	0	0	355
DEPARTMENT OF NATURAL RESOURCES			
Shifts legal costs re timber sale default case.	(591)		591
Funds 1985 fire fighting costs.	7,139		
Increases timber sales due to improving market.			3,753
Funds reforestation due to sales.			2,030
Pays tort claims against the state resulting from uncontrolled slash burns.			510
DEPARTMENT OF NATURAL RESOURCES TOTAL	6,548	0	6,884
DEPARTMENT OF AGRICULTURE			
Funds livestock liens workload increase under SHB 890 (Chapter 412, Laws of 1985).			38
Provides for purchase of brucellosis vaccine.	57		
DEPARTMENT OF AGRICULTURE TOTAL	57	0	38

($'s 000)

DESCRIPTION	GF-S	GF-F	OTHER
WASHINGTON STATE PATROL			
Funds workload increases in the Identification and Criminal History section.	364		
WASHINGTON STATE PATROL TOTAL	364	0	0
DEPARTMENT OF LICENSING			
Expands and upgrades one-stop Business License Center.	900		
Funds regulation of commodity-related activities if SB 4527 is enacted.	44		
Funds small business capital formation program if SHB 205 is enacted.	151		
Funds regulation of vessel dealers if HB 1614 is enacted.	132		
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(164)
DEPARTMENT OF LICENSING TOTAL	1,227	0	(164)
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION			
STATE ADMINISTRATION			
Expands the Teacher Assistance Program.	75		
Funds remedial assistance pilot project.	50		
Implements SHB 1829, Categorical Program Study.	150		
STATE ADMINISTRATION Sub-TOTAL	275	0	0
GENERAL APPORTIONMENT			
Savings due to revised enrollment projections.	(28,750)		
Island schools: remote and necessary plant support	125		
RETIREMENT BENEFITS			
K-12 PERS Contribution			11,297
HANDICAPPED			
Funds rapid growth in the high-cost and most severe handicapped categories.	7,009		

($'s 000)

DESCRIPTION	GF-S	GF-F	OTHER
REMEDIATION			
Funds increased number of eligible students because estimated lowest quartile test scores for 1986-87 have been revised upward.	4,847		
PROGRAMS FOR HIGHLY CAPABLE STUDENTS			
Reduction in projected enrollment.	(42)		
PUPIL TRANSPORTATION			
Reduces pupil transportation costs due to reductions in workload.	(4,473)		
DRIVER EDUCATION			
Adjusts Public Safety and Education Account appropriation to remain within available revenues.			(1,247)
SUPERINTENDENT OF PUBLIC INSTRUCTION TOTAL	(21,009)	0	10,050
UNIVERSITY OF WASHINGTON			
Funds second year work on Magnuson-Jackson papers.	131		
UNIVERSITY OF WASHINGTON TOTAL	131	0	0
WASHINGTON STATE UNIVERSITY			
Funds planned degree programs in business administration, education, and computer sciences at the Southwest Washington Joint Center for Education (Vancouver).	122		
WASHINGTON STATE UNIVERSITY TOTAL	122	0	0
EASTERN WASHINGTON UNIVERSITY			
Corrects the appropriation language and dollar figures in the operating budget and makes the required technical changes.			
Adds summer school support funds, with the condition that the university collect summer tuition fees at the same rates established for the regular academic quarter.	220		
EASTERN WASHINGTON UNIVERSITY TOTAL	220	0	0

($'s 000)

DESCRIPTION	GF-S	GF-F	OTHER
CENTRAL WASHINGTON UNIVERSITY			
Adds summer school support funds, with the condition that the university collect summer tuition fees at the same rates established for the regular academic quarter.	295		
CENTRAL WASHINGTON UNIVERSITY TOTAL	295	0	0
THE EVERGREEN STATE COLLEGE			
Provides funding for over-enrollment of 94 FTE's in academic '86 and additional growth by 94 FTE's in academic '87. Establishes a new biennial average minimum expenditure for instruction.	526		
Allows the Institute for Public Policy to conduct a study of future state trends and their social, economic, and demographic policy implications.	20		
Adds funding to the Input/Output Study to develop employment multipliers and to study changes in the economy.	20		
THE EVERGREEN STATE COLLEGE TOTAL	566	0	0
WESTERN WASHINGTON UNIVERSITY			
Adds summer school support funds, with the condition that the university collect summer tuition fees at the same rates established for the regular academic quarter.	366		
Partially funds Peoples Republic of China cross-cultural exchange program for professionals.	54		
WESTERN WASHINGTON UNIVERSITY TOTAL	420	0	0
HIGHER EDUCATION COORDINATING BOARD			
Transfers $800,000 of FY 1986 student financial aid program funds to FY 1987.			
Provides funds for executive director search, salary adjustments, startup meeting cost and two additional positions in policy and financial analysis (to fulfill added legislative responsibilities).	150		
HIGHER EDUCATION COORDINATING BOARD TOTAL	150	0	0

DESCRIPTION ($'s 000)	GF-S	GF-F	OTHER
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION			
Provides funds for judgments and claims incurred from deferral of faculty salary increases during 1981-83 biennium.	1,629		
Provides funding for adult literacy program.	100		
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION TOTAL	1,729	0	0
STATE TREASURER			
Distinguished Professorship			
Funds distinguished professor trust fund, permitting universities to receive and match challenge grants in order to establish professorships.	750		
STATE TREASURER TOTAL	750	0	0
LEOFF CONTRIBUTION TOTAL	(9,105)		9,105
SALARY INCREASES			
2.5% or $50, whichever is greater, salary increase effective September 1,1986 for State Personnel Board classified and exempt and HEPB classified.	15,952	3,612	7,855
3% across the board salary increase effective September 1, 1986 for higher education graduate assistants.	397		
3% across the board salary increase effective September 1, 1986 for four year college and university faculty and exempt.	6,267		30
3% across the board salary increase effective September 1, 1986 for Community college faculty and exempt.	3,948		
3% salary increase effective September 1, 1986 for K-12 Certificated and Classified.	40,739		
Costs required to bring every district's certificated derived base salary to at least $16,500 and to ensure each individual certificated employee a salary of at least $16,500.	6,344		
Recognize actual salaries in districts with pre-existing contracts.	650		

($'s 000)

DESCRIPTION	GF-S	GF-F	OTHER
5% salary increase effective July 1, 1986 for Washington State Patrol.	92		1,492
SALARY INCREASES TOTAL	74,389	3,612	9,377
SUNDRY CLAIMS TOTAL	320	104	2
STATE REVENUES FOR DISTRIBUTION TOTAL	4,147		(14,578)
GRAND TOTAL	$101,416	$54,764	$31,110

1986 SUPPLEMENTAL CAPITAL BUDGET

10-Mar-86

AGENCY/DESCRIPTION	FUND	1985-87 REAPPROPRIATION	1985-87 APPROPRIATION
DEPARTMENT OF GENERAL ADMINISTRATION			
City of Tacoma land purchase option and feasibility study	057 St Bldg Constr Acct	0	100
Property acquisition option community colleges	042 CEP & RI Acct	0	300
DEPARTMENT OF TRANSPORTATION			
Provide parking and road improvements for public use in Olympia	036 Cap Bldg Constr Acct	0	400
	043 Cap Purch & Dev Acct	0	1,000
Provide road, traffic control, and improvements for parking lot	108 Motor Vehicle Fund	0	600
DEPARTMENT OF CORRECTIONS			
Code compliance: Transformers PCB's (CR-86-1-012)	042 CEP & RI Acct	0	100
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Construction of tall ships tourist attraction in Grays Harbor	001 General Fund - State	0	500
Low-income refugee housing projects	001 General Fund - State	0	700
STATE PARKS & RECREATION COMMISSION			
Nalley Valley Farm earnest money	001 General Fund - State	0	50
DEPARTMENT OF FISHERIES			
Salmon enhancement project (Wishkah)	053 Salmon Enhancement	0	300
DEPARTMENT OF GAME			
Migratory waterfowl habitat projects (C1-87-3-034)	104 Game Fund-State	0	330
Barnaby Slough steelhead rearing pond	001 General Fund - State	0	210
	Game Fund - Federal	0	210
STATE CONVENTION & TRADE CENTER			
State Convention & Trade Center (C1-83-R-001)	01V Convention Center	456	0
STATE BOARD FOR COMMUNITY COLLEGES			
Lower Columbia roof repairs	056 St Higher Ed Const	9	0
DEPARTMENT OF SOCIAL & HEALTH SERVICES			
Complete Pearl Street facility for mentally ill children	074 LIRA DSHS Facilities Ref. 29	0	78
Referendum 37 projects (C1-79-3-R01)	01K Handicap Constr Acct 1979	0	115
TOTALS BY FUND SOURCE	001 General Fund - State	0	1,460
	036 Cap Bldg Constr Acct	0	400
	042 CEP & RI Acct	0	400
	043 Cap Purch & Dev Acct	0	1,000
	053 Salmon Enhancement	0	300
	057 St Bldg Constr Acct	0	100
	074 LIRA DSHS Facilities Ref. 29	0	78
	104 Game Fund-State	0	330
	Game Fund - Federal	0	210
	108 Motor Vehicle Fund	0	600
	01K Handicap Constr Acct 1979	0	115
	01V Convention Center	456	0
	056 St Higher Ed Const	9	0
	TOTALS	465	4,993

The 1985-1987 transportation supplemental budget provides appropriations totalling $71.2 million for: the Department of Transportation ($66.2 million), the Washington State Patrol ($3.2 million), and the Department of Licensing ($1.8 million). Detailed spread sheets on the following pages show the items included in the supplemental budget for each agency. Major supplemental budget items and significant provisions contained in the supplemental budget include:

Major Items

Washington State Patrol - Funding for restoration of current level of service in addition to the development of an integrated information system, including computer-aided dispatch.

Department of Licensing - Appropriations for the International Registration Plan, federal vehicle use tax compliance, personalized license plate workload increase, and an assessment of information system requirements.

Department of Transportation - Additional funding is provided for the transfer of the Hood Canal Bridge to the Highway Division, bridge replacements, Interstate completion, Category C construction, airport aid grants, and the Marine Division.

Significant Provisions

Marine Division - Added language requires that any revenue collections in excess of projections are to be used to reduce the subsidy from the capital program. The Department of Transportation is directed to implement the capital construction program submitted to the House and Senate Transportation Committees. Any passenger-only program requires application for UMTA funding.

A Motor Vehicle Fund appropriation of $1,140,000 is provided for the exclusive support of EXPO 86 service. The Marine Division is required to provide monthly financial data to enable the Legislative Transportation Committee (LTC) to review the EXPO 86 project.

Traditional and customary Ferry System transportation services are given priority in the use of available funds. If actual Ferry System revenues fall below levels assumed in the budget, the Transportation Commission is required to implement all possible internal management economies. If a deficit still exists, the Commission may request LTC approval for an interfund loan from the Motor Vehicle Fund. Any loan must be repaid from Ferry System operating revenues during the 1987-1989 biennium.

Other - (1) Category C projects ready for construction must be selected according to priorities established by RCW 47.05 unless exceptions are reported to the LTC. (2) The Attorney General is required to provide an annual report on tort claims involving highways that are made against the Department of Transportation.

AGENCY & SOURCE OF FUNDS TOTALS

(DOLLARS IN 000)

AGENCY	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR * DIFFERENCE *	TOTAL 1985-1987 APPROPRIATIONS
DEPARTMENT OF LICENSING	87,526	1,337	1,837	500	89,363
WASHINGTON STATE PATROL - OPERATING	118,278	4,100	3,227	(873)	121,505
WASHINGTON STATE PATROL - CAPITAL	4,251	0	0	0	4,251
COUNTY ROAD ADMINISTRATION BOARD	21,718	0	0	0	21,718
URBAN ARTERIAL BOARD	68,486	0	0	0	68,486
BOARD OF PILOTAGE COMMISSIONERS	80	0	0	0	80
TRAFFIC SAFETY COMMISSION	5,049	0	0	0	5,049
LEGISLATIVE TRANSPORTATION COMMITTEE	1,800	0	0	0	1,800
TRANSPORTATION COMMISSION	468	0	0	0	468
DEPARTMENT OF TRANSPORTATION	1,375,835	76,735	66,230	(10,505)	1,442,065
TOTAL - ALL AGENCIES	1,683,491	82,172	71,294	(10,878)	1,754,785

SOURCE OF FUNDS	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR * DIFFERENCE *	TOTAL 1985-1987 APPROPRIATIONS
GENERAL FUND - ST.	612	0	0	0	612
GENERAL FUND FED./LOC.	6,054	0	0	0	6,054
SEARCH & RESCUE ACCT.	110	0	0	0	110
AERONAUTICS ACCT. -ST./FED.	1,370	400	700	300	2,070
PILOTAGE ACCT.	80	0	0	0	80
STATE GAME FUND	334	31	31	0	365
PUBLIC SAFETY & EDUC. ACCT.	2,056	0	0	0	2,056
MOTORCYCLE SAFETY EDUC. ACCT.	193	33	33	0	226
RURAL ARTERIAL TRUST ACCT.	21,042	0	0	0	21,042
URBAN ARTERIAL TRUST ACCT.	68,486	0	0	0	68,486
PUGET SOUND CAP. CONST. ACCT.-ST./FED.	63,782	0	(9,900)	(9,900)	53,882
PUGET SOUND FERRY OP. ACCT.	46,922	2,935	2,890	(45)	49,812
PUGET SOUND RESERVE ACCT.	3,958	0	0	0	3,958
HIGHWAY SAFETY FUND - FED.	4,744	0	0	0	4,744
HIGHWAY SAFETY FUND - ST.	38,309	277	585	308	38,894
STATE PATROL HIGHWAY ACCT.	122,529	4,100	3,227	(873)	125,756
MOTOR VEHICLE FUND - ST.	593,232	18,496	17,828	(668)	611,060
MOTOR VEHICLE FUND - FED./LOC.	709,678	55,900	55,900	0	765,578
TOTAL - ALL FUNDS	1,683,491	82,172	71,294	(10,878)	1,754,785

1985-87 Supplemental Transportation Budget (ESSB 4905)

ESSB 4905 SECTION	WASHINGTON STATE PATROL (STATE PATROL HIGHWAY ACCOUNT)	ORIGINAL 1985-1987 APPROPRIATIONS (DOLLARS IN 000)	GOVERNOR SUPPLEMENTAL REQUEST (DOLLARS IN 000)	FINAL LEGISLATURE VERSION (DOLLARS IN 000)	LEGISLATURE VS GOVERNOR + DIFFERENCE + (DOLLARS IN 000)	TOTAL 1985-1987 APPROPRIATIONS (DOLLARS IN 000)	COMMENTS
	OPERATING PROGRAMS						
1	FIELD OPERATIONS	86,582	3,690	2817	(873)	89,399	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES: (1) $1.35 MILLION FOR 21 ADDITIONAL TROOPERS (2) $2.3 MILLION TO CORRECT CURRENT LEVEL UNDERSTATEMENT IN ORIGINAL 1985-1987 BUDGET GOVERNOR TO LEGISLATURE: (1) DELETES THE $1.35 MILLION FOR 21 ADDITIONAL TROOPERS (THE LEGISLATURE ALREADY HAS FUNDED 61 ADDITIONAL TROOPERS FOR 1985-1987) (2) DELETES $0.3 MILLION FOR CURRENT LEVEL OF SERVICE ADJUSTMENT (3) ADDS $0.78 MILLION FOR INTEGRATED INFORMATION SYSTEMS DEVELOPMENT
2	SUPPORT SERVICES	31,696	410	410	0	32,106	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES: (1) $.4 MILLION TO CORRECT CURRENT LEVEL UNDERSTATEMENT IN ORIGINAL 1985-1987 BUDGET
	TOTAL - OPERATING	118,278	4,100	3,227	(873)	121,505	
	CAPITAL PROGRAM	4,251	0	0	0	4,251	
	TOTAL - WASHINGTON STATE PATROL	122,529	4,100	3,227	(873)	125,756	

NOTES: (1) GENERAL FUND PORTION OF THE WASHINGTON STATE PATROL SUPPLEMENTAL BUDGET WILL BE CONTAINED IN THE WAYS & MEANS BUDGET BILL.
(2) STATE PATROL HIGHWAY ACCOUNT IS A DEDICATED ACCOUNT IN THE MOTOR VEHICLE FUND AND IS SUPPORTED BY $15.60 OF EACH MOTOR VEHICLE REGISTRATION FEE ($23.00 TOTAL INITIAL REGISTRATION FEE AND $19.00 ANNUAL RENEWAL FEE).
(3) STATE PATROL HIGHWAY ACCOUNT FUNDS 90% + OF THE TOTAL STATE PATROL BUDGET.
(4) SUPPLEMENTAL DOES NOT INCLUDE GOVERNOR'S REQUEST FOR SALARY INCREASES

1985-87 Supplemental Transportation Budget (ESSB 4905)

DOLLARS IN 000

ESSB 4905 SECTION	DEPARTMENT OF LICENSING	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR + DIFFERENCE +	TOTAL 1985-1987 APPROPRIATIONS	COMMENTS
3	VEHICLE SERVICES						GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
	MOTOR VEHICLE FUND	32,891	928	813	(115)	33,704	(1) $.03 MILLION - PERSONALIZED LICENSE PLATE WORKLOAD INCREASE (GAME FUND)
	STATE GAME FUND	323	31	31	0	354	(2) $.8 MILLION - LICENSE SYSTEM MODIFICATION FOR INT'L REG. PLAN IMPLEMENTATION
	TOTAL	33,214	959	844	(115)	34,058	(3) $.03 MILLION - VERIFICATION OF FED. HEAVY VEHICLE TAX PMT.
							(4) $.12 MILLION - STRUCTURING DRIVER & VEHICLE BASES TO PERMIT DRIVER/VEHICLE CHECKS
							GOVERNOR TO LEGISLATURE:
							DELETES $.12 MILLION - STRUCTURING DRIVER & VEHICLE BASES TO PERMIT DRIVER/VEHICLE CHECKS
4	DRIVER SERVICES						
	HIGHWAY SAFETY FUND	30,005	210	210	0	30,215	
	PUBLIC SAFETY & EDUC. ACCT.	2,056	0	0	0	2,056	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
	MOTORCYCLE SAFETY EDUC. ACCT.	193	33	33	0	226	(1) $.2 MILLION - RESTRUCTURING DRIVER LICENSE DATA BASE
	TOTAL	32,254	243	243	0	32,497	(2) $.03 MILLION - TUITION SUPPORT FOR MOTORCYCLE SAFETY CLASSES
	MANAGEMENT OPERATIONS						
	MOTOR VEHICLE FUND	2,361	0	0	0	2,361	
	HIGHWAY SAFETY FUND	4,461	0	0	0	4,461	
	STATE GAME FUND	7	0	0	0	7	
	TOTAL	6,829	0	0	0	6,829	
5	INFORMATION SYSTEMS					0	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
	MOTOR VEHICLE FUND	11,687	68	375	307	12,062	(1) $.13 MILLION - STRUCTURING DRIVER & VEHICLE BASES TO PERMIT DRIVER/VEHICLE CHECKS
	HIGHWAY SAFETY FUND	3,538	67	375	308	3,913	
	STATE GAME FUND	4	0	0	0	4	GOVERNOR TO LEGISLATURE:
	TOTAL	15,229	135	750	615	15,979	(1) DELETES $.13 MILLION - STRUCTURING DRIVER & VEHICLE BASES TO PERMIT DRIVER/VEHICLE CHECKS
							(2) ADDS $0.75 MILLION FOR ANALYSIS OF MOTOR VEHICLE & DRIVER INFORMATION SYSTEM REQUIREMENTS

DEPARTMENT OF LICENSING AGENCY TOTALS SOURCE OF FUNDS	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR + DIFFERENCE +	TOTAL 1985-1987 APPROPRIATIONS	REVENUE SOURCES
MOTOR VEHICLE FUND	46,939	996	1,188	192	48,127	MOTOR VEHICLE FUEL TAX & MOTOR VEHICLE LICENSING FEES
HIGHWAY SAFETY FUND	38,004	277	585	308	38,589	DRIVER LICENSE FEES & DRIVER RELATED FEES
MOTORCYCLE SAFETY EDUC. ACCT.	193	33	33	0	226	MOTORCYCLE DRIVER FEES
STATE GAME FUND	334	31	31	0	365	PERSONALIZED LICENSE PLATE FEES
PUBLIC SAFETY & EDUC. ACCT.	2,056	0	0	0	2,056	FINES & FORFEITURES
TOTAL	87,526	1,337	1,837	500	89,363	

1985-87 Supplemental Transportation Budget (ESSB 4905)

PROGRAM	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR + DIFFERENCE +	TOTAL 1985-1987 APPROPRIATIONS	PROGRAM DESCRIPTION
	DOLLARS IN 000					
HIGHWAY CONSTRUCTION - PROGRAM A	233,000	11,800	11,800	0	244,800	(1) HIGHWAY 4R - HIGHWAY RESURFACING & OTHER WORK REQUIRED FOR THE PRESERVATION OF EXISTING STATE HIGHWAYS (2) REPLACEMENT OF STRUCTURALLY DEFICIENT BRIDGES (3) HIGHWAY WORK THAT IS SPECIALLY FUNDED BY THE FED. GOV'T ON A PROJECT BY PROJECT BASIS. - FUNDING FOR CATEGORY A IS APPROXIMATELY 50% FEDERAL & 50% STATE.
HIGHWAY CONSTRUCTION - PROGRAM B	530,000	50,000	50,000	0	580,000	INTERSTATE CONSTRUCTION AND PRESERVATION OF EXISTING INTERSTATE HIGHWAY SEGMENTS. - FUNDING FOR CATEGORY B IS APPROXIMATELY 90% FEDERAL & 10% STATE.
HIGHWAY CONSTRUCTION - PROGRAM C	138,000	8,000	6,000	(2,000)	144,000	CONSTRUCTION THAT INCREASES CAPACITY OF STATE HIGHWAYS. - FUNDING FOR CATEGORY C IS 100% STATE.
CONSTRUCTION MGMT& SUPPORT - PROGRAM D	28,583	300	300	0	28,883	(1) GENERAL ADMINISTRATION OF THE HIGHWAY CONSTRUCTION PROGRAMS (2) STATE AID (MONITORING OF CITY & COUNTY ROAD PROGRAMS) (3) DOT FACILITIES CONSTRUCTION.
AERONAUTICS - PROGRAM F	1,471	400	700	300	2,171	(1) TECH. ASSISTANCE & GRANTS FOR IMPROVEMENTS TO PUBLICLY OWNED AIRPORTS (2) MAINTENANCE OF STATE OPERATED EMERGENCY AIRFIELDS (3) COORDINATION OF AIRCRAFT SEARCH & RESCUE OPERATIONS.
MAINTENANCE - PROGRAM M	174,195	3,300	3,300	0	177,495	(1) MAINTENANCE OF STATE HIGHWAYS (2) MAINTENANCE & OPERATION OF DOT FACILITIES (3) PAINTING OF BRIDGES ON STATE HIGHWAY SYSTEM.
HIGHWAY MANAGEMENT - PROGRAM P	14,043	0	0	0	14,043	(1) ADMINISTRATION & GENERAL SUPPORT FOR THE HIGHWAY CONSTRUCTION & MAINTENANCE PROGRAMS (2) AQUISITION & MANAGEMENT OF MATERIALS & SUPPLY INVENTORIES FOR HIGHWAY CONSTRUCTION & MAINTENANCE.
CITY/COUNTY - PROGRAM R	95,399	0	0	0	95,399	(1) PASS THROUGH OF FEDERAL FUNDS FOR CITY & COUNTY ROAD CONSTRUCTION (2) SALES & SERVICES TO OTHERS - SERVICES PROVIDED BY DOT TO OTHER AGENCIES WHICH REIMBURSE DOT FOR COSTS INCURRED, AND SERVICES PROVIDED TO OTHER DOT PROGRAMS.
EXEC.MGMT.& MGMT. SERVICES - PROGRAM S	24,374	0	0	0	24,374	(1) EXECUTIVE MGMT. OF DOT (2) MGMT. SUPPORT SERVICES FOR DOT (E.G., BUDGETING & ACCOUNTING) (3) CHARGES FROM OTHER AGENCIES FOR SERVICES (E.G. DEPT. OF PERSONNEL).
PLANNING & PUBLIC TRANS. - PROGRAM T	21,612	0	0	0	21,612	(1) TRANSPORTION RELATED RESEARCH & ANALYSIS (2) TECH. & PLANNING ASSISTANCE TO PUBLIC TRANSIT SYSTEMS (3) ADMIN. OF FEDERAL GRANTS TO SMALL AREA PUBLIC TRANSIT SYSTEMS.
MARINE DIVISION - PROGRAM W	113,958	2,935	(5,870)	(8,805)	108,088	(1) FERRY VESSEL & FERRY TERMINAL CAPITAL PROJECTS (2) OPERATION OF THE FERRY SYSTEM.
MINORITY TRAINING - PROGRAM - D9	1,200	0	0	0	1,200	FEDERALLY FUNDED TRAINING PROGRAMS FOR MINORITY CONSTRUCTION WORKERS & CONTRACTORS.
TOTAL - ALL PROGRAMS	1,375,835	76,735	66,230	(10,505)	1,442,065	

DEPARTMENT OF TRANSPORTATION

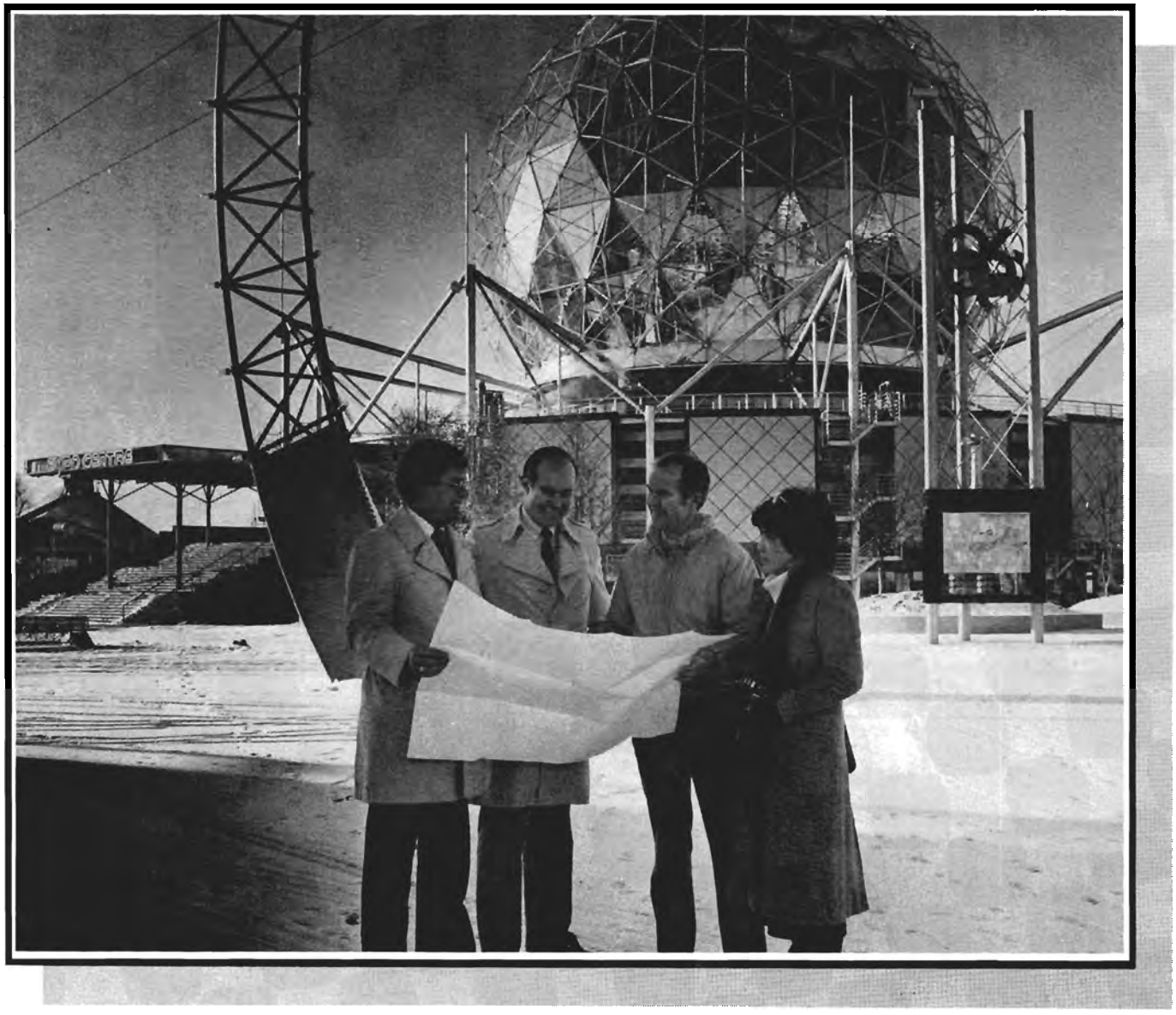
SOURCES OF FUNDS	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR * DIFFERENCE *	TOTAL 1985-1987 APPROPRIATIONS
	DOLLARS IN 000				
GENERAL FUND - ST.	610	0	0	0	610
GENERAL FUND - FED./LOC.	6,054	0	0	0	6,054
SEARCH & RESCUE ACCT.	110	0	0	0	110
AERONAUTICS ACCT. - ST./FED.	1,369	400	700	300	2,069
MOTOR VEHICLE FUND ST.	543,416	17,500	16,640	(860)	560,056
MOTOR VEHICLE FUND FED./LOC.	709,678	55,900	55,900	0	765,578
PUGET SOUND CAP. CONST. ACCT.-ST./FED.	63,767	0	(9,900)	(9,900)	53,867
PUGET SOUND FERRY OP. ACCT.	46,873	2,935	2,890	(45)	49,763
PUGET SOUND RESERVE ACCT.	3,958	0	0	0	3,958
TOTAL - ALL FUNDS	1,375,835	76,735	66,230	(10,505)	1,442,065

DEPARTMENT OF TRANSPORTATION PROGRAM/SOURCE OF FUNDS DETAIL	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR + DIFFERENCE +	TOTAL 1985-1987 APPROPRIATIONS	COMMENTS
	---------- DOLLARS IN 000 ----------					
ESSB 4905 SECTION						
6 HIGHWAY CONSTRUCTION - PROGRAM A						GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
MOTOR VEHICLE FUND - ST.	109,000	900	900	0	109,900	(1) $3.9 MILLION FED. & $.9 MILLION STATE FOR HOOD CANAL BRIDGE
MOTOR VEHICLE FUND - FED./LOC.	124,000	10,900	10,900	0	134,900	(2) $7 MILLION MVF-FED. FOR BRIDGE REPLACEMENT
TOTAL	233,000	11,800	11,800	0	244,800	
7 HIGHWAY CONSTRUCTION - PROGRAM B						
MOTOR VEHICLE FUND - ST.	52,000	5,000	5,000	0	57,000	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
MOTOR VEHICLE FUND - FED./LOC.	478,000	45,000	45,000	0	523,000	$50 MILLION TO ALLOW ACCELERATION OF INTERSTATE COMPLETION WORK
TOTAL	530,000	50,000	50,000	0	580,000	
8 HIGHWAY CONSTRUCTION - PROGRAM C						
MOTOR VEHICLE FUND - ST.	137,000	8,000	6,000	(2,000)	143,000	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
MOTOR VEHICLE FUND - LOC.	1,000	0	0	0	1,000	$8 MILLION FOR ADDITIONAL PRECONSTRUCTION WORK ON PROJECTS APPROVED
TOTAL	138,000	8,000	6,000	(2,000)	144,000	BY THE TRANSPORTATION COMMISSION
						GOVERNOR TO LEGISLATURE:
						REDUCES ADDITIONAL PRECONSTRUCTION WORK BY $2 MILLION
9 CONSTRUCTION MGMT.& SUPPORT - PROGRAM D						
MOTOR VEHICLE FUND - ST.	28,583	300	300	0	28,883	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
TOTAL	28,583	300	300	0	28,883	$.3 MILLION FOR CAPITAL PROGRAM MANAGEMENT SYSTEM (FUND CARRYOVER FROM 1983-1985 BIENNIUM)
10-11 AERONAUTICS - PROGRAM F						
AERONAUTICS ACCT. - ST.	1,270	400	400	0	1,670	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
AERONAUTICS ACCT. - FED.	91	0	300	300	391	$.4 MILLION ADDITIONAL FUNDING FOR AIRPORT AID GRANTS
SEARCH & RESCUE ACCT.	110	0	0	0	110	
TOTAL	1,471	400	700	300	2,171	GOVERNOR TO LEGISLATURE: ADDS $.3 MILLION UNANTICIPATED RECEIPTS

1985-87 Supplemental Transportation Budget (ESSB 4905)

DEPARTMENT OF TRANSPORTATION PROGRAM/SOURCE OF FUNDS DETAIL	ORIGINAL 1985-1987 APPROPRIATIONS	GOVERNOR SUPPLEMENTAL REQUEST	FINAL LEGISLATURE VERSION	LEGISLATURE VS GOVERNOR + DIFFERENCE +	TOTAL 1985-1987 APPROPRIATIONS	COMMENTS
	---------- DOLLARS IN 000 ----------					
ESSB 4905 SECTION						
12 MAINTENANCE - PROGRAM M						GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
MOTOR VEHICLE FUND - ST.	174,195	3,300	3,300	0	177,495	(1) $2.6 MILLION FOR HOOD CANAL BRIDGE MAINTENANCE
TOTAL	174,195	3,300	3,300	0	177,495	(2) $.7 MILLION TO PAY CITY STORM WATER UTILITY CHARGES
14 MARINE DIVISION - PROGRAM W						
PUGET SOUND RESERVE ACCT.	3,958	0	0	0	3,958	GOVERNOR SUPPLEMENTAL REQUEST INCLUDES:
PUGET SOUND FERRY OP. ACCT.	46,400	2,935	2,890	(45)	49,290	$2.9 MILLION ADDITIONAL TRANSFER FROM CAPITAL PROGRAM TO SUPPORT OPERATIONS
PUGET SOUND CAP. CONST. ACCT. - ST.	56,300	0	(4,600)	(4,600)	51,700	
PUGET SOUND CAP CONST. ACCT. - FED.	7,300	0	(5,300)	(5,300)	2,000	GOVERNOR TO LEGISLATURE:
MOTOR VEHICLE FUND - ST.	0	0	1,140	1,140	1,140	
TOTAL	113,958	2,935	(5,870)	(8,805)	108,088	(1) $4.6 MILLION PSCCA-ST. REDUCTION BECAUSE OF DELAYED VESSEL REFURBISHMENT AND TERMINAL CONSTRUCTION
						(2) $5.3 MILLION PSCCA-FED. REDUCTION DUE TO $2.2 MILLION HOOD CANAL BRIDGE TRANSFER TO HIGHWAY DIVISION (CATEGORY A) & $3.0 MILLION REDUCTION IN FEDERAL FUNDS
						NOTE: ITEMS (1) & (2) SHOULD HAVE BEEN INCLUDED IN THE GOVERNOR'S SUPPLEMENTAL BUDGET REQUEST.
						(3) ADDS $1.14 MILLION MVF-ST. TO HELP FUND EXPO '86 IMPACT
						(4) REDUCES PSFOA BY $45,000 TO ADJUST FOR: - REDUCE HAZARDOUS MATERIALS = ($250,000) - INCREASE PASSENGER ONLY = $205,000
						(5) REDUCES CAPITAL TRANSFER BY $1 MILLION CONTINGENT ON SALES TAX EXEMPTION FOR FUEL PURCHASES

APPENDICES



Planning for Expo '86. Left to right, Calvin T. Haw, Otis Canada, Jeff Ryan, Project Management, Governor Booth Gardner and Evelyn Sun, Washington Pavilion Executive Director.

(Courtesy Expo '86 World's Fair Commission.)

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Bill Number to Session Law Table

Bill No.		Title	Chapter No.
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SHB 37		Recycling used oil	37
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2SHB 136	Sf	Dangerous wastes/household	210
SHB 160		Preadmission screening fee	166
SHB 205		Securities act/limited exmpt	90
HB 244	f	State medal of merit	92
SHB 308		Municipal incorp & elections	234
SHB 355		WSP retiremnt credit/cadets	154
SHB 378	f	Retire/cost living adj/fund	306
SHB 495		Indian land/jurisdiction	267 PV
HB 507	f	Freeway traffic flow	93
SHB 573		Property improvement claims	314 PV
SHB 588		Retirement contributn rates	268 PV
SHB 594	f	Institution industry/revenue	94
SHB 614		Higher ed serv–activity fees	91
SHB 686	f	Disability comp reduction	75
SHB 803		Criminal mistreatment	250
HB 1058		Emergency calls	38
SHB 1134	f	DSHS/screen employees	269 PV
SHB 1148		Strip searches	88
SHB 1177	f	Hazardous waste/records	82
SHB 1182		Safety belts/MV	152
SHB 1218		Loc govt financing/streets	252
SHB 1270		Property tax levies/local	107
SHB 1331		Elected officials salaries	155
SHB 1332		Generic drugs/consumr choice	52
SHB 1333		State agencies/termination	270 PV
SHB 1335		Personal services contracts	33
HB 1337		Devlopmnt loan fund/exempt	204
HB 1339		Children shall attend school	132
HB 1345		LIS/legislative systems cmte	61
SHB 1349	f	Elections procedures	167
HB 1350	f	Higher ed tuition fees	42
HB 1353		Irrigatn dist/plat approval	39
SHB 1355		Horse market progrm/WA–bred	202 PV
SHB 1356		Arbitration/support–maint	95
HB 1362	f	Fisheries/marketing plan	62
SHB 1363	f	Vehicles/debris escape	89
SHB 1368		Driving records/abstracts	74
HB 1371	f	School buses–drivr/authriztn	32
HB 1374	f	Lessees improvment/tax value	251
SHB 1382		Off–road vehicle funds	206
SHB 1385		Water–sewer dist elections	41
HB 1386		Annexation/petition or elctn	253
SHB 1388		Fire agencies/annexations	254
SHB 1391		Hearing aids/tax exempt	255
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HB 1398	f	Interest rate/state register	60
SHB 1399		Adult felons/sentencing	257

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		HOUSE BILLS--cont.	
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HB 1407		Sewer-water dists/annex info	258
SHB 1408		Water dist/territry withdrwl	109
SHB 1413		Revenue bonds/local govts	168
HB 1415	f	Civil rights redres/FEO 9066	225
HB 1419	f	Levy lid 106%/limited waiver	169
HB 1424	f	Estate tax apportionment	63
SHB 1433	f	Lottery winners/state claims	83
HB 1441	f	Unclaimed property/provision	84
HB 1442		Oil-gas leases/state land	34
SHB 1447		Public works contracts	282
HB 1450	f	MV equipmnt/perform standrds	113
SHB 1451		Commercial code/article 8	35
SHB 1458		Water supply systms/violatns	271 PV
HB 1459		Breathalyzer test refusal	64
SHB 1460	f	Liquor licenses/class P	40
HB 1462		Nursing home ins policies	170
HB 1463		Controlled substances	124
SHB 1479	f	Methadone treatment services	53
SHB 1480		Vending machines/sales tax	36
HB 1482	f	Boat titles/replacement	71
HB 1483		License plates/special	108
HB 1486	f	Fairs cmsn/sunset terminatn	171
HB 1490	f	Industrial ins payments	54
SHB 1493		Motorists services/signs	114
SHB 1495		Health care assistants	115
SHB 1496	f	Horse racing cmsn/funds	43
HB 1499		Alcohol breath testing	153
HB 1504		Moorage/transient vessels	260
2SHB 1505	$	Employment/hard to employ	172
HB 1511		State warrants/provisions	99
HB 1517	f	Estate taxation/provisions	44
HB 1518		Implied consent law/drivers	101
HB 1519		Motorcycle drivers training	80
SHB 1540	f	Solid waste/functnl standrds	81
SHB 1545		Hydraulic permits/fish life	173
HB 1563	f	Winter recreationl facility	47
SHB 1564		Improvement dists/protests	256
HB 1572		UTC certain practices	49
SHB 1580		Criminal statutes/limitatns	85
SHB 1581	$f	Industral ins/claims closure	55
SHB 1587		International trade expanded	276 PV
SHB 1593		Health care facilities	205
SHB 1598	f	Sex offender treatment prog	301 PV
HB 1599	f	Snowmobile regs/revised	16
HB 1602		Timber sales/tax advisement	65
HB 1614	f	Vehicle licens/prerequisites	174
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SHB 1624		School levies/time period	133

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HB 1631	f	Nursing home cost reimburs	175
HB 1633	f	Timber tax/public entities	315 PV
HB 1635		Day care/state employees	134
HB 1637	f	Emergncy info servces/access	45
HB 1647	f	PDC sunset terminatn/repeal	272 PV
HB 1652		Retiremnt/disabilty benefits	176
SHB 1654		Local govt/debt computations	50
HB 1656		Day care/state employees	135
SHB 1669		Pilotage cmsn/regulat pilots	121
SHB 1678		Telephone solicitation regs	277 PV
HB 1686		Quasi-community property	72
SHB 1687	Sf	Vocational schools/private	299 PV
SHB 1688	f	Institutions/degree granting	136
HB 1702	S	Developmntally disabld/funds	13
HB 1703		Comparable worth/implement	1
HB 1708		Liquor control board/terms	105
SHB 1709		Cmty dev dept/add agencies	266 PV
HB 1711	f	Environ ed coordinatng cmte	51
HB 1720	f	Boilers-unfird pressre vessl	97
HB 1721	f	Pension fund/payments	56
HB 1725		Learning objectives/review	137
SHB 1726	f	Charitable solicitatns/regs	230
HB 1743		Use tax collection	48
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SHB 1762		Vessel pilot regulation	122
HB 1763		Vehicle inspection law	123
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SHB 1783	f	Self-insured employers	57
HB 1795		Child support orders/info	138
SHB 1802		Marginal labor force	106
SHB 1804		Port commission formation	262
SHB 1815	f	Nursing home vehicles/parkng	96
HB 1825	f	Tourism/hotel-motel tax	308
SHB 1827		Vessels/property tax	229
SHB 1829	S	Educational services/study	139
SHB 1831		Teacher evaluation/study	73
SHB 1838		Campaign financing disclsure	228
SHB 1839		Nat resources brd/county rep	227
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SHB 1865	f	Electricians/provisions	156
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HB 1868		Centennial logos/use	157
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SHB 1870		Charter operators/escrow	283
SHB 1873	f	Injured workers/benefits	58
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SHB 2083		Day care/insurance plans	142
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SSB 3160	f	Sch employ suggestion awards	143
SSB 3182	Sf	Pub employ restore withdrawn	317 PV
SB 3193	f	Occupational disease retire	207
SB 3278	f	Foreign student fee waiver	232
SB 3334	f	Private sch bus maintenance	77
SB 3336	f	Hotels liquor bottles	208
SB 3352	f	Educ info clearinghouse	180
SB 3397	f	Illegal hunting	318 PV
SSB 3416		Bad checks NSF	128
SSB 3419		Plat approval	233
SSB 3453		Common law liens	181
SSB 3458	f	MV insur 55 pl safety course	235
2SSB 3487		Conservation savings return	325 PV
SB 3495	f	Amusement rides	86
SSB 3498	f	Water contact	236
SB 3527	f	K-3 teacher ratio	144
SSB 3532		Liquor licenses	5
2SSB 3574	f	Leasehold excise tax	285
SSB 3590		Pub emply no private benefit	4
SB 3636	f	Insurance	296 PV
SSB 3847		Retired teachers pensions	237
SSB 3948		Transportation	179
SSB 3990		Securities	304
SSB 4128	f	Corrections std bd	118
SSB 4221	f	St toxicology lab funds	87
SSB 4305		Bail bonds	322 PV
SSB 4418		Irrigation	316 PV
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SSB 4503		Travel vehicles tax revised	211
SB 4506	f	St Bd Health sunset repeal	273 PV
SB 4512	f	Indenticard expiration	15
SSB 4519		Water pollution financing	3
SB 4521		Forensic pathol fellowship	31
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SB 4582		Health care insur fraud	243
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SSB 4590	$	Local govt investments	294 PV
SB 4593		Public depositaries	25
SSB 4596		Child common mental health	274 PV
SB 4601	f	Historic property	221
SB 4609		County rail districts	26
SB 4617	f	Instruction permit	17
SSB 4618		Inter regis plan	18
SB 4619		Land exchange DNR/DSHS	7
SB 4620	$f	MV fuel retail sale	320 PV
2SSB 4626		Housing trust fund	298 PV
SSB 4627	f	Predatory cigarette pricing	321 PV
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SB 4680	f	Institutional industries	162
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SB 4691	f	Indust insur child define	293 PV
SB 4693		Risk mangmt offic/OFM claims	126
SSB 4696		Ferry revenue expenditures	23
SB 4705	f	Sexual offenses minors	319 PV
SB 4708		Competence of witnesses	195
SSB 4710	$	Fingerprint info system	196
SB 4712	$f	Archivist oral history	275 PV
SB 4713		Indust insur appeals	10
SSB 4717		Water qual jnt develop act	244
SSB 4720		Indust insur coverage cert	9
SB 4721	f	Indust safety/health appeals	20
SSB 4722	$	Contractor infractions	197
SB 4723		Library grants	79
SSB 4724	$	Excellence in educ award	147
SB 4725	f	Accountancy act	295 PV
SB 4738		Juvenile offenders	288
SSB 4741		Commercial fish vessel seize	198
SB 4747		Model traffic ordinance	24
SB 4749		Propty casualty insur	148
SSB 4757		Indians vehicle licensing	30
SSB 4758		Fuel tax metered pump	29
SSB 4762		Supplemental budget	312 PV
SSB 4766		Winter heating termination	245
SSB 4769	f	Feed tax	265
SB 4770		Irrigation districts	8
SSB 4779		Auctioneers	324 PV
SB 4781		Pub disclo continuing cand	28
SSB 4783	f	Controlled substances	246
SSB 4790		Sludge disposal	297 PV
SSB 4797		Underground storage tanks	289
SSB 4814	$f	Child abuse prevent	149

Bill No.		Title	Chapter No.
		SENATE BILLS--cont.	
SSB 4815	$f	Public works approps	291 PV
SSB 4876		Low-level radio waste	2
SSB 4888		Used car cash price	165
SB 4891		MV dealers waiver	199
SB 4894	f	Volunteer firemen	163
SSB 4897		Process servers	219
SSB 4898		Wild fire outside dist	311
SSB 4905		Supp trans budget	313
SB 4906		Highway bonds	290
SSB 4917		Banks & trust co	279 PV
SSB 4923		Tax exempt bonds	247
SSB 4926	f	Fiscal data	215
SB 4927	f	Indust injury monitor	200
SSB 4933		Low-income housing	248
SSB 4949		Health care assts	216
SB 4959		Pornography profiteering	78
SB 4968	f	Unemploy insur fund trans	249
SB 4982		Define indecent liberties	131
SSB 4990		River running	217
SSB 5005		Credit trans consumer protec	218
SSB 5026	$f	Farmer hazard waste	201
SB 5033		Preschool accreditation	150
SSB 5037	f	Dropouts	151
SSB 5044	f	Agri commodity dept authorty	203 PV

Session Law to Bill Number Table

Chapter No.		Title	Bill No.
		REGULAR SESSION	
Vetoed		Amusement devices B&O	2SSB 3110
1		Comparable worth/implement	HB 1703
2		Low-level radio waste	SSB 4876
3		Water pollution financing	SSB 4519
4		Pub emply no private benefit	SSB 3590
5		Liquor licenses	SSB 3532
6	f	Veterans' park pass	SB 4456
7		Land exchange DNR/DSHS	SB 4619
8		Irrigation districts	SB 4770
9		Indust insur coverage cert	SSB 4720
10		Indust insur appeals	SB 4713
11		WUTC questions of fact	SSB 4635
12	f	Public dis small polit subdv	SB 4528
13	$	Developmntally disabld/funds	HB 1702
14		Commodities & securities	SB 4527
15	f	Indenticard expiration	SB 4512
16	f	Snowmobile regs/revised	HB 1599
17	f	Instruction permit	SB 4617
18		Inter regis plan	SSB 4618
19		Inmate restitution	SSB 4684
20	f	Indust safety/health appeals	SB 4721
21	f	Tips as wages	SB 4644
22	f	Blind absentee voters	SB 4443
23		Ferry revenue expenditures	SSB 4696
24		Model traffic ordinance	SB 4747
25		Public depositaries	SB 4593
26		County rail districts	SB 4609
27	f	Psychology examing bd	SSB 4629
28		Pub disclo continuing cand	SB 4781
29		Fuel tax metered pump	SSB 4758
30		Indians vehicle licensing	SSB 4757
31		Forensic pathol fellowship	SB 4521
32	f	School buses-drivr/authriztn	HB 1371
33		Personal services contracts	SHB 1335
34		Oil-gas leases/state land	HB 1442
35		Commercial code/article 8	SHB 1451
36		Vending machines/sales tax	SHB 1480
38		Emergency calls	HB 1058
39		Irrigatn dist/plat approval	HB 1353
40	f	Liquor licenses/class P	SHB 1460
41		Water-sewer dist elections	SHB 1385
42	f	Higher ed tuition fees	HB 1350
43	f	Horse racing cmsn/funds	SHB 1496
44	f	Estate taxation/provisions	HB 1517
45	f	Emergncy info servces/access	HB 1637
46		Flood control managemnt plan	SHB 1622
47	f	Winter recreationl facility	HB 1563
48		Use tax collection	HB 1743
49		UTC certain practices	HB 1572
50		Local govt/debt computations	SHB 1654

PV – partial veto; $ – appropriation; f – fiscal note

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
51	f	Environ ed coordinatng cmte	HB 1711
52		Generic drugs/consumr choice	SHB 1332
53	f	Methadone treatment services	SHB 1479
54	f	Industrial ins payments	HB 1490
55	$f	Industral ins/claims closure	SHB 1581
56	f	Pension fund/payments	HB 1721
57	f	Self-insured employers	SHB 1783
58	f	Injured workers/benefits	SHB 1873
59	f	Ind ins/retired workers	SHB 1875
60	f	Interest rate/state register	HB 1398
61		LIS/legislative systems cmte	HB 1345
62	f	Fisheries/marketing plan	HB 1362
63	f	Estate tax apportionment	HB 1424
64		Breathalyzer test refusal	HB 1459
65		Timber sales/tax advisement	HB 1602
66		Ferry system funding	SHB 1866
67	f	Involuntary treatment	SHB 1976
68	f	Medical program directors	HB 1776
69		Insurance agents trust accts	SHB 2011
70		Telecommunictions/tax	SHB 1892
71	f	Boat titles/replacement	HB 1482
72		Quasi-community property	HB 1686
73		Teacher evaluation/study	SHB 1831
74		Driving records/abstracts	SHB 1368
75	f	Disability comp reduction	SHB 686
76	f	Mason/Thurston judicial/add	HB 1393
77	f	Private sch bus maintenance	SB 3334
78		Pornography profiteering	SB 4959
79		Library grants	SB 4723
80		Motorcycle drivers training	HB 1519
81	f	Solid waste/functnl standrds	SHB 1540
82	f	Hazardous waste/records	SHB 1177
83	f	Lottery winners/state claims	SHB 1433
84	f	Unclaimed property/provision	HB 1441
85		Criminal statutes/limitatns	SHB 1580
86	f	Amusement rides	SB 3495
87	f	St toxicology lab funds	SSB 4221
88		Strip searches	SHB 1148
89	f	Vehicles/debris escape	SHB 1363
90		Securities act/limited exmpt	SHB 205
91		Higher ed serv-activity fees	SHB 614
92	f	State medal of merit	HB 244
93	f	Freeway traffic flow	HB 507
94	f	Institution industry/revenue	SHB 594
95		Arbitration/support-maint	SHB 1356
96	f	Nursing home vehicles/parkng	SHB 1815
97	f	Boilers-unfird pressre vessl	HB 1720
98	f	Crime victims compensation	SHB 1869
99		State warrants/provisions	HB 1511
100		Forest protection statutes	SHB 1403
101		Implied consent law/drivers	HB 1518

Session Law to Bill Number Table

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
102		Engineers & surveyors	HB 1962
103		Bonded indebtedness	HB 2055
104	f	Lodging/local tax	HB 1954
105		Liquor control board/terms	HB 1708
106		Marginal labor force	SHB 1802
107		Property tax levies/local	SHB 1270
108		License plates/special	HB 1483
109		Water dist/territry withdrwl	SHB 1408
110	f	Corporate officers unemploy	SB 4645
111	f	Employer experience rating	SB 4647
112		Economic forecasts/provsions	SHB 1401
113	f	MV equipmnt/perform standrds	HB 1450
114		Motorists services/signs	SHB 1493
115		Health care assistants	SHB 1495
116 PV		Unemployed recipients/hire	SHB 1754
117		Business corporations act	SB 4490
118	f	Corrections std bd	SSB 4128
119		Fire hydrant	SB 4446
120	f	Candidacy by mail	SB 4450
121		Pilotage cmsn/regulat pilots	SHB 1669
122		Vessel pilot regulation	SHB 1762
123		Vehicle inspection law	HB 1763
124		Controlled substances	HB 1463
125	f	Inmates work release	SB 4681
126		Risk mangmt offic/OFM claims	SB 4693
127	f	Life-cycle cost public bldgs	SB 3018
128		Bad checks NSF	SSB 3416
129		Organ donation	SSB 4455
130		Community college bd	SB 4628
131		Define indecent liberties	SB 4982
132		Children shall attend school	HB 1339
133		School levies/time period	SHB 1624
134		Day care/state employees	HB 1635
135		Day care/state employees	HB 1656
136	f	Institutions/degree granting	SHB 1688
137		Learning objectives/review	HB 1725
138		Child support orders/info	HB 1795
139	$	Educational services/study	SHB 1829
140		Insurance/adpted children	SHB 1986
141		Day care insurance	SHB 2080
142		Day care/insurance plans	SHB 2083
143	f	Sch employ suggestion awards	SSB 3160
144	f	K-3 teacher ratio	SB 3527
145	f	Child/adult abuse reports	SB 4481
146		Handicapped schools aternat	SSB 4658
147	$	Excellence in educ award	SSB 4724
148		Propty casualty insur	SB 4749
149	$f	Child abuse prevent	SSB 4814
150		Preschool accreditation	SB 5033
151	f	Dropouts	SSB 5037
152		Safety belts/MV	SHB 1182

PV – partial veto; $ – appropriation; f – fiscal note

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
153		Alcohol breath testing	HB 1499
154		WSP retiremnt credit/cadets	SHB 355
155		Elected officials salaries	SHB 1331
156	f	Electricians/provisions	SHB 1865
157		Centennial logos/use	HB 1868
158		LBC oversight	SB 4452
159		Elective office vacancies	SSB 4639
160		Public $ deposit out state	SSB 4665
161	f	Salary increase/st officials	SSB 4674
162	f	Institutional industries	SB 4680
163	f	Volunteer firemen	SB 4894
164		Food/game fish consolidate	SB 4569
165		Used car cash price	SSB 4888
166		Preadmission screening fee	SHB 160
167	f	Elections procedures	SHB 1349
168		Revenue bonds/local govts	SHB 1413
169	f	Levy lid 106%/limited waiver	HB 1419
170		Nursing home ins policies	HB 1462
171	f	Fairs cmsn/sunset terminatn	HB 1486
172	$	Employment/hard to employ	2SHB 1505
173		Hydraulic permits/fish life	SHB 1545
174	f	Vehicle licens/prerequisites	HB 1614
175	f	Nursing home cost reimburs	HB 1631
176		Retiremnt/disabilty benefits	HB 1652
177	f	Cattle running	HB 1900
178		Agriculture commission	SHB 2014
179		Transportation	SSB 3948
180	f	Educ info clearinghouse	SB 3352
181		Common law liens	SSB 3453
182	f	Livestock	SSB 4425
183	$	Promote Washington products	SB 4463
184		Mental health insur	SSB 4531
185		Rewards criminal info	SSB 4571
186		Vehicle nonregist penalty	SSB 4536
187	f	Vulnerable adults	SSB 4544
188		Firefighters/assaults on	SB 4551
189		Library districts	SB 4584
190	f	Beef comm promo/research	SSB 4553
191		Low-level waste insurance	SSB 4664
192		Job site safety inspections	SB 4678
193		Community service offenders	SSB 4682
194		Death penalty	SSB 4683
195		Competence of witnesses	SB 4708
196	$	Fingerprint info system	SSB 4710
197	$	Contractor infractions	SSB 4722
198		Commercial fish vessel seize	SSB 4741
199		MV dealers waiver	SB 4891
200	f	Indust injury monitor	SB 4927
201	$f	Farmer hazard waste	SSB 5026
202 PV		Horse market progrm/WA-bred	SHB 1355
203 PV	f	Agri commodity dept authorty	SSB 5044

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
204		Devlopmnt loan fund/exempt	HB 1337
205		Health care facilities	SHB 1593
206		Off-road vehicle funds	SHB 1382
207	f	Occupational disease retire	SB 3193
208	f	Hotels liquor bottles	SB 3336
209		Deadly force	SSB 4465
210	Sf	Dangerous wastes/household	2SHB 136
211		Travel vehicles tax revised	SSB 4503
212		Nurses priv communications	SB 4529
213		Expired license crt appear	SB 4537
214		Wine grower's license	SB 4538
215	f	Fiscal data	SSB 4926
216		Health care assts	SSB 4949
217		River running	SSB 4990
218		Credit trans consumer protec	SSB 5005
219		Process servers	SSB 4897
220	f	Med asst elgbty comm propty	SSB 4659
221	f	Historic property	SB 4601
222		Chore services	SSB 4574
223	PV	Health care servces contrctr	HB 1630
224	PV	Indetrminte sentence/rev brd	SHB 1400
225	f	Civil rights redres/FEO 9066	HB 1415
226		B&O tax/warehouse operations	SHB 1846
227		Nat resources brd/county rep	SHB 1839
228		Campaign financing disclsure	SHB 1838
229		Vessels/property tax	SHB 1827
230	f	Charitable solicitatns/regs	SHB 1726
231		Excise tax/processing	HB 1851
232	f	Foreign student fee waiver	SB 3278
233		Plat approval	SSB 3419
234		Municipal incorp & elections	SHB 308
235	f	MV insur 55 pl safety course	SSB 3458
236	f	Water contact	SSB 3498
237		Retired teachers pensions	SSB 3847
238		Forest land taxation	SSB 4458
239	f	Initiatives public facil use	SB 4470
240		Nonprofit corporations	SSB 4491
241		Vehicle dealers regulated	SSB 4497
242	f	Crop liens	SSB 4547
243		Health care insur fraud	SB 4582
244		Water qual jnt develop act	SSB 4717
245		Winter heating termination	SSB 4766
246	f	Controlled substances	SSB 4783
247		Tax exempt bonds	SSB 4923
248		Low-income housing	SSB 4933
249	f	Unemploy insur fund trans	SB 4968
250		Criminal mistreatment	SHB 803
251	f	Lessees improvment/tax value	HB 1374
252		Loc govt financing/streets	SHB 1218
253		Annexation/petition or elctn	HB 1386
254		Fire agencies/annexations	SHB 1388

PV – partial veto; S – appropriation; f – fiscal note

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
255		Hearing aids/tax exempt	SHB 1391
256		Improvement dists/protests	SHB 1564
257		Adult felons/sentencing	SHB 1399
258		Sewer-water dists/annex info	HB 1407
259	f	Health related professions	SHB 131
260		Moorage/transient vessels	HB 1504
261		Professional service corps	SB 4535
262		Port commission formation	SHB 1804
263	f	Hot tubs/spas/pools/safety	SB 4556
264		Housing finance commission	SSB 4661
265	f	Feed tax	SSB 4769
266 PV		Cmty dev dept/add agencies	SHB 1709
267 PV		Indian land/jurisdiction	SHB 495
268 PV		Retirement contributn rates	SHB 588
269 PV	f	DSHS/screen employees	SHB 1134
270 PV		State agencies/termination	SHB 1333
271 PV		Water supply systms/violatns	SHB 1458
272 PV	f	PDC sunset terminatn/repeal	HB 1647
273 PV	f	St Bd Health sunset repeal	SB 4506
274 PV		Child common mental health	SSB 4596
275 PV	Sf	Archivist oral history	SB 4712
276 PV		International trade expanded	SHB 1587
277 PV		Telephone solicitation regs	SHB 1678
278 PV		Counties civil violations	SSB 4486
279 PV		Banks & trust co	SSB 4917
280 PV		License plate renewal	SB 4675
281	f	Automatic dialing device/use	HB 134
282		Public works contracts	SHB 1447
283		Charter operators/escrow	SHB 1870
284	f	State land bank	HB 1899
285	f	Leasehold excise tax	2SSB 3574
286		Insur cancel company agents	SB 4540
287		Insurance canceling	SSB 4541
288		Juvenile offenders	SB 4738
289		Underground storage tanks	SSB 4797
290		Highway bonds	SB 4906
291 PV	Sf	Public works approps	SSB 4815
292 PV	f	Shoreline management	SSB 4572
293 PV	f	Indust insur child define	SB 4691
294 PV	$	Local govt investments	SSB 4590
295 PV	f	Accountancy act	SB 4725
296 PV	f	Insurance	SB 3636
297 PV		Sludge disposal	SSB 4790
298 PV		Housing trust fund	2SSB 4626
299 PV	Sf	Vocational schools/private	SHB 1687
300 PV		Medical discipline board	SHB 1950
301 PV	f	Sex offender treatment prog	SHB 1598
302 PV		Insurance/entities self-ins	SHB 1972
303 PV	Sf	Health care project	SHB 2021
304		Securities	SSB 3990
305	f	Civil actions	SSB 4630

Chapter No.		Title	Bill No.
		REGULAR SESSION--cont.	
306	f	Retire/cost living adj/fund	SHB 378
307		State land leases	SHB 1967
308	f	Tourism/hotel-motel tax	HB 1825
309		Ind dev rev bonds communicat	SSB 4479
310	f	Right to know fee	SSB 4676
311		Wild fire outside dist	SSB 4898
312 PV		Supplemental budget	SSB 4762
313		Supp trans budget	SSB 4905
314 PV		Property improvement claims	SHB 573
315 PV	f	Timber tax/public entities	HB 1633
316 PV		Irrigation	SSB 4418
317 PV	$f	Pub employ restore withdrawn	SSB 3182
318 PV	f	Illegal hunting	SB 3397
319 PV	f	Sexual offenses minors	SB 4705
320 PV	$f	MV fuel retail sale	SB 4620
321 PV	f	Predatory cigarette pricing	SSB 4627
322 PV		Bail bonds	SSB 4305
323 PV		Legal representation of leg	SSB 4525
324 PV		Auctioneers	SSB 4779
325 PV		Conservation savings return	2SSB 3487

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1986 Regular Session of the Forty-Ninth Legislature

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